

# MARYLAND

## HISTORICAL MAGAZINE



KENT ISLAND  
Winchester Creek

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MARYLAND HISTORICAL SOCIETY

*June · 1957*

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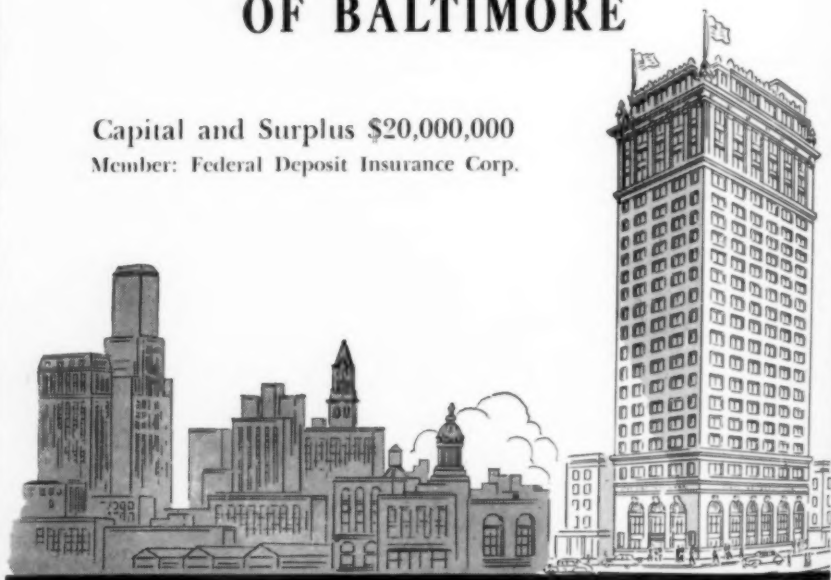
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FRANCIS C. HABER, Editor

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# MARYLAND HISTORICAL MAGAZINE

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## KENT ISLAND

### PART I: THE PERIOD OF SETTLEMENT

By ERICH ISAAC \*

KENT Island was settled in 1631 by William Claiborne, a Cambridge-educated native of Kent, England. It is located in the Chesapeake Bay between  $38^{\circ} 50'$  and  $39^{\circ} 02'$  northern latitude. Longitudinally it extends from  $76^{\circ} 14'$  to  $76^{\circ} 23'$  west of Greenwich. Looking at it on a contemporary map we find that Stevensville, a centrally located settlement on the island, is twenty-five miles straightline distance southeast of Baltimore, or about seven miles due east across the bay from Annapolis, and thirty-five miles northeast of Washington, D. C. The island is 14.5 miles

\* This article is based upon the author's *The First Century of the Settlement of Kent Island* (Johns Hopkins University doctoral dissertation, Baltimore, 1957). The larger work includes geographical as well as historical treatment of the Island.

long when measured along a line that connects Love Point in the north with Kent Point, the island's southernmost tip. Kent Island, which is separated from the Eastern Shore only by the narrow channel of Kent Narrows, roughly resembles an eastward pointing wedge, whose cutting edge almost abuts the mainland. The island's shores contrast sharply. The northeastern side of the island, which faces the Chester River, and the Chesapeake Bay side, are on the whole unbroken by creeks, and face the sea with bold storm cliffs, although only twelve to twenty feet high; the low lying southeastern parts facing Eastern Bay are analogous to long spindling fingers reaching into Eastern Bay. There salt marsh alternates with wooded or cultivated sections of a frayed shoreline. The necks of land are often only a fraction of a mile across and very rarely are as wide as two miles between inlets. Only at its widest, in the northern third of the island, may one pass from east to west, a distance of nearly five miles, without crossing an important inlet.

The settlement of Kent Island in 1631 raises a number of geographic and historical problems—problems extending beyond the familiar scarcity of source material. The early settlement period is of course replete with tantalizing minor mysteries such as absence of any definite knowledge of where precisely the first settlement was established, or what the shape of the island was before an additional three hundred years of storms and eustatic sea-level rise altered its shores. To this day, for example, we do not know with any certainty where the first settlement was established. We do know that in the first week of October, 1631, it consisted of one large timber-framed house and several thatch-roofed huts set on crotches and raftered with a covering of brush. The whole was surrounded by palisades and four guns were strategically mounted.<sup>1</sup> And, the records are sufficiently detailed to allow for some very plausible deductions.

A basic problem is the reason for Kent Island's settlement. In the sixteenth century the Spaniards had established themselves in the Caribbean area and did not seriously attempt to colonize the Mid-Atlantic coast. The English soon discovered that the southern route, which had been pioneered by the Spanish, offered economic rewards to them as well. In fact the rich Spanish possessions were

<sup>1</sup> Beverley Fleet, ed., *Virginia Colonial Abstracts* (Richmond, 1937), XVII, 35.

the most enticing of all prospects for transoceanic voyages to the North American coast. English interest in the southeastern part of North America and in Central and South America was sustained by the presence of Spanish colonies and the trade and loot these offered. The conviction of the existence of a mysterious undiscovered great continent in the southern hemisphere, Terra Australis, and the lure of Pacific wealth and trade also diverted English attention from the North American coast proper. There were, of course, English fishermen on the Grand Banks, and the idea of a northeastern passage proved a powerful attraction, but on the whole Elizabethan seafarers showed as much ingenuity in getting around America as in getting to it.

In the latter part of the sixteenth century it dawned upon the English that America was a prize to be owned rather than an obstacle to be circumnavigated. This change in attitude introduced a period where the dual motive of settlement and trade superseded the motives of trade and piracy. The growing stress on colonization provided the setting for the Virginia venture and ultimately the settlement of Kent Island.<sup>2</sup> After the abortive attempt at Roanoke, English overseas colonization with the objective of settlement instead of piracy and trade was inaugurated at Jamestown.

William Claiborne came to Virginia as surveyor for the colony at Jamestown on June 13, 1621. In 1616, upon expiration of the joint stock arrangement of the colony of 1609, the need for accurate surveying was felt. A number of the company tenants were freed, and a new land policy was initiated which awarded "every man that hath already adventured his money or person, for every single share of 12 pound 10 shillings, fifty acres of land."<sup>3</sup> As partial payment for his services William Claiborne was given 200 acres of land. Claiborne thus became a landholder with substantial holdings on the Eastern Shore of Virginia.

Early plantations on the lower Eastern Shore signal the new attention given to the middle and upper bay as a result of steadily worsening relations with the Indians in the wake of Jamestown. The first contacts with Indians had been friendly. The English

<sup>2</sup> See Arthur P. Newton, *The European Nations in the West Indies, 1493-1688* (London, 1933).

<sup>3</sup> Nathaniel Claiborne Hale, *Virginia Venturer; A Historical Biography of William Claiborne 1600-1677* (Richmond, 1951), p. 53.

were in part actuated by missionary drive and a sense of destiny, for it seemed "by event of precedent attempts made by the Spaniards and French sundry times that the countries lying north of Florida God hath reserved the same to be reduced unto Christian civility by the English nation."<sup>4</sup> Similarly, missionary arguments were used to justify actual occupation of Indian land, on the grounds that failure to do so would lead to a "returne" of the new converts "to their horrible idolatrie."<sup>5</sup> Occupation, of course, was bound to lead to conflict.

The English were further led by economic expectations to seek out the Indian, for they hoped he might be converted not only to the cross but also to the cloth. An imaginary "Indian Economic Man" was supposed to become a consumer of English woolen goods.<sup>6</sup> However "all just kind and charitable courses" did not prevail in the reality of Indian-White contact. The tribes associated in the Powhatan Confederation pursued a fluid and shifting pattern of alternating warfare, overt peace, and covert intrigue. The white settlers were not anthropologists and took an unfavorable view of Indian theft, wanton sabotage, or traditional "trade" customs. The gulf separating Indian concepts of property from English laws of landownership could not be bridged. A new policy crystallized which aimed at breaking up Powhatan's confederation. Remote tribes were set against Powhatan by bribery and promise and his own tribes were placed in a direct tributary relationship to the English. This new policy failed to subdue the Indians. With continued white encroachment the situation worsened steadily until at last, in 1622, the pent-up hostility came to a head and erupted into a fearful war, the "Great Massacre." It closed with finality the chapter of attempts at White and Indian rapprochement in the Jamestown area.

The impact of the massacre explains to a large degree the direction that trading ventures and associated plantations were subsequently to take. Westward advance had been stopped by ferocious Indian resistance. The settlers on their part "proclaimed a policy of relentless warfare upon the natives and year after year implemented it by organized destruction of towns and

<sup>4</sup> A. L. Rowse, *The Expansion of Elizabethan England* (London and New York, 1955), p. 212.

<sup>5</sup> Wesley Frank Craven, *The Southern Colonies in the Seventeenth Century, 1607-1689* (Baton Rouge, 1949), p. 78.

<sup>6</sup> *Ibid.*, p. 80.

crops and by other actions calculated to harass the Indians and keep them on the defensive.<sup>7</sup> Expeditions against the Indians were kept up with regularity; two summer expeditions and one in the fall was the rule as late as 1629.<sup>8</sup> Consequently the inland frontier around Jamestown was a turbulent zone and not an area of trade or advancing settlements. Instead traders pushed north and eastward into the Chesapeake Bay.

The earliest settlements on the Eastern Shore had been established years before the Massacre. In 1611, during Governor Dale's term, a settlement was established at the southern tip of the Eastern Shore peninsula.<sup>9</sup> Claiborne knew of these early settlements and also knew of the as yet uninhabited parts of the Eastern Shore. When he participated in Governor Yeardley's fall raids on the Eastern Shore Indians he was probably impressed by the contrast between the swamp and disease-ridden Jamestown area and the much better conditions across the bay. Various plantations that existed near King's Creek on the Eastern Shore, which had been originally laid out in 1620 by John Pory, showed promise of returns that appealed to Claiborne. Consequently he too obtained a plantation on these lands near Accomac, a name that was later to be applied to the entire Eastern Shore.<sup>10</sup> This was not his first venture in planting, for he owned land near present day Hampton on the Western Shore. This land originally was an Indian village site and was named Kecoughtan after the village. It is reasonable to assume that Claiborne's planting experience at Accomac and Kecoughtan was to be of value on Kent Island. It is similarly reasonable to believe that the unsettled state of the Western Shore in the aftermath of the Indian Massacre left the northern bay and its eastern shore open to the movements of this ambitious trader and planter.

The circumstances of the early post-massacre period applied of course to all traders and would-be planters. In the case of Claiborne, however, additional factors favored his way as trader. When in June, 1623, King James rescinded the charter of the London Company, Claiborne became a member of the council in Virginia and received various additional land grants. Political

<sup>7</sup> *Ibid.*, pp. 172-173.

<sup>8</sup> Hale, *op. cit.*, p. 120.

<sup>9</sup> *Ibid.*, p. 39.

<sup>10</sup> [Virginia] *Minutes of the Council*, entry for April 4, 1627, p. 148.

activity as secretary of the colony may have afforded him important training in leadership. Other special privileges went with official positions in the colony, moreover—most important of which were profitable trading licenses that were given to council members.<sup>11</sup> Claiborne made full use of these licenses; in 1626 he made a trip up the bay and in the spring of 1627 he led a full fledged expedition there after receiving a commission for trade. If additional sources about English and Indian trade in the Chesapeake are discovered, they will probably tell a story of an early start by many traders and ultimate monopolization by Claiborne, who used his political influence to achieve this end.

Just how many traders were active in the bay before and during Claiborne's time is impossible to state. In the early 1620's John Pory reported that Indian traders in the bay numbered nearly one hundred.<sup>12</sup> We know that after the Massacre, Governor Wyatt authorized expeditions into the bay to trade for corn, which was to be secured peaceably or by force. Captain Ralph Hamor went in his ship, the *Tyger*, and arriving at the Potomac found a number of white traders pursuing their trade in peace with the Indians. The original traders were probably sailors manning the ships that brought settlers to Virginia. Significantly, many of the most successful traders during the first half of the seventeenth century had formerly been "mariners." Among the early traders in the bay was Thomas Savage who had written a memorandum to the London Company pointing out the benefits to be obtained from the fur trade. Another famous Chesapeake Bay trader was Captain Henry Fleet, who was captured in 1627 by the Anacosta Indians along the lower reaches of the Potomac where he spent four years in captivity. After his release, Fleet returned to England where he obtained the support of the fur trading firm of William Cloberry and made at least one voyage in that firm's service. In 1632 he returned to the bay in the service of another English firm, trading with the Indians for corn which he delivered in New England.<sup>13</sup>

While Fleet and Hamor were among the best known traders of the early period, they were soon eclipsed by Claiborne. The

<sup>11</sup> Public Records Office *Colonial Papers, Sainsbury Calendar* (March 4, 1926), p. 77.

<sup>12</sup> *Archives of Maryland, Proceedings of the Council 1667-1687/8*, V, 158.

<sup>13</sup> Hale, *op. cit.*, p. 96.

legislative decree that assured Claiborne's supremacy in the bay trade indirectly indicates that trading in the bay was widespread. The limitation of trading licenses to members of the Virginia Colony's Council had to be rationalized, and a twofold reason was given. First, it was claimed that uncontrolled trading cheapened the value of trade goods in the eyes of the Indians, and secondly, that it caused the colonists to depend too much on trade rather than on their own cultivation for the supply of corn.<sup>14</sup>

Using his license, Claiborne made a trading trip in 1626 up the bay in an exploratory spirit.<sup>15</sup> First he went to Accomac where he found that squatters had settled on his land. Claiborne treated them with diplomatic leniency, a policy which proved its wisdom when later these people acted as a pool from which he recruited many of the freemen who settled on Kent Island. Another voyage must have suggested to him a course which appears to us today as grand strategy to secure the bay trade.

The issues before him were partly of a political and partly of an economic nature. Claiborne occupied a preferred position as member of the colony's council, a position he used repeatedly to obtain trading licenses. Nonetheless he must have known how unpredictable the actions of the council and governor were, and if he feared their instability, the course of events justified him. In 1632 Governor Harvey arrested Captain Fleet on Claiborne's request for trading without a permit in the bay, but the Governor promptly reversed himself and sent Fleet back to the bay as his partner.<sup>16</sup> In view of such political uncertainties Claiborne must have seen the wisdom of occupying a base sufficiently far from Virginia to be free from interfering political intrigue, and at the same time sufficiently large to provide all the needs of his traders. If such a base could at the same time be developed as a plantation with an economic surplus which could be added to the goods obtained in Indian trade, ships would find it doubly worthwhile to sail up the bay. In that event they would not return with half empty holds, and at one stroke both the political and the transport problems would be solved.

<sup>14</sup> J. Thomas Scharf, *History of Maryland From the Earliest Period to the Present Day* (Baltimore, 1879), I, 1-23.

<sup>15</sup> "Wyatt Documents, 1621-1626," *William and Mary Quarterly*, 2nd ser., VII, 42-44, 205-207, 212-214, 249, 252-254; VIII, 48.

<sup>16</sup> Commissions for exploration and trade which were issued to Claiborne are printed in the *Archives*, V, 158-160.

In addition to seeking a large area, relatively isolated from Virginia, Claiborne needed a location that guaranteed competitive advantage over interloping traders. With the latter consideration uppermost in his mind, he asked the Governor and Council after his 1628 voyage for a commission for trade, stressing the potentialities of Indian trade on the Susquehanna. On January 31, 1629, a commission allowing Claiborne to trade there "till the first of April next" was granted.<sup>17</sup> Claiborne established himself at the mouth of the Susquehanna on Palmer's island, "half meade, half wood," containing about 200 acres with a forty-foot high rock on its western waterfront. The island had previously been granted to Edward Palmer, a critic and art collector in London, and an adventurer of the London Company, who had died in 1624 before taking up his grant.<sup>18</sup> Possession of Palmer's Island bottled up the Susquehanna trade and assured Claiborne a virtual monopoly in the beaver trade. Palmer's Island, however, despite its strategic location at the root of the ramifying Susquehanna system, which tapped through portages many Indian beaver supply areas, was too small for self-sustaining colonization. It did not yield an economic product complementary to beaver skins. Also, there was need for financial support and an organization to undertake the marketing of beaver in England and to supply the traders with trade goods and other supplies.

The opportunity to establish such a contact came in October, 1629, when Lord Baltimore came to Jamestown. Virginians entertained suspicions that Baltimore sought a proprietary charter for Virginia. Claiborne, in his capacity as secretary of the Virginia Company, was dispatched to England in order to thwart any designs Baltimore might entertain. During his stay in England Claiborne contacted William Cloberry and Company and offered a partnership in a trading settlement that was to be established on Kent Island.<sup>19</sup> Cloberry & Co. had formerly been associated with Captain Fleet and the company was thus familiar with Chesapeake Bay trade. The partnership was founded on the basis that the main benefits were to be reaped from the beaver trade, but in addition Cloberry & Co. looked for "true accounts of all tradeinge

<sup>17</sup> [Virginia] *Minutes of the Council*, April 4, 1627, p. 185.

<sup>18</sup> Hale, *op. cit.*, p. 125.

<sup>19</sup> *Ibid.*, pp. 130, 140.

truckeinge buyeinge sellinge barteringe planteinge soweinge increase of cattle . . ."<sup>20</sup>

The vogue of felt hats had greatly increased the demand for beaver fur in England. A migration of continental craftsmen to England in the sixteenth century was perhaps as much the cause as the result of the new fashions.<sup>21</sup> Furthermore the price of Spanish wool, hitherto imported for felt production, had increased markedly, due to the rise in Spanish prices occasioned by the flow of American treasure to Spain.<sup>22</sup> By the middle of the sixteenth century wool was increasingly displaced by fur, a fact witnessed by the preamble to Queen Elizabeth's hat apprentice act:

Great multitudes of the Queens . . . true subjects using the art of making woollen caps, are improverished and decayed by the excessive use of hats and felts.<sup>23</sup>

Of all furs beaver was most suitable for the hat manufacturing industry "for the special barbed or stapled character of fur wool, especially beaver wool, makes it unusually suitable for the manufacture of felt and felt hats."<sup>24</sup> By the seventeenth century American fur trade had become synonymous with the trade in beaver pelts.

From the vantage point of the beaver trade, a base on Kent Island, with an outlying northern trading post on Palmer's Island, was certainly a desirable location. Kent Island was suitably distant from the disturbed conditions of Virginia, and was at the same time close enough to the Eastern Shore mainland for easy trade with Indians who had not been involved in the hostilities on the southern bay. Together, Kent Island and Palmer's Island straddled the trading route leading into the Susquehanna, and via portages, the routes as far as the Ohio and the Great Lakes. It is easy to see why Cloberry and Company jumped at the bait Claiborne held before them: The "very profitable and beneficial trade that might bee had and made in the bay of Chesapeake in Virginia and

<sup>20</sup> "Claiborne vs. Cloberry et al in the High Court of Admiralty," *MdHM*, XXVI, 386.

<sup>21</sup> Murray G. Lawson, *Fur, a Study in English Mercantilism 1700-1775*, Univ. of Toronto Stud. in Hist. and Econ., IV (1943), 7.

<sup>22</sup> Harold A. Innis, "Fur Trade and Industry," *Encyclopaedia of the Social Sciences*, VI, 530.

<sup>23</sup> Quoted by Lawson, *op. cit.*, p. 7.

<sup>24</sup> Harold A. Innis, *Fur Trade in Canada, an Introduction to Canadian Economic History* (New Haven, 1930), p. 2.

some other rivers ports and places there or neere thereunto . . . for furs beaver skins corne and other commodities." <sup>25</sup>

There might have been special urgency in carrying out the settlement of the Kent Island in 1632, stemming from Dutch activities on the Delaware. Upon abandoning their settlement of Fort Nassau in 1628, the Dutch had in April, 1631, established a new settlement, Swaanendael on Lewes Creek, near the Delaware. Although this settlement was destroyed by Indians in the same year, still another attempt at settlement was made in 1632 by De Vries, showing that the Dutch had not given up. Claiborne was not slow in pointing out that his trade would divert the Indian trade from the Dutch to the English.<sup>26</sup> Furthermore, he added that "the Trade of the French in Canada and Quebec might be brought downe that way into Virginia and to the said intended plantacion."<sup>27</sup> Claiborne's argument bears striking resemblances to that advanced by Thomas Savage, who not long before wrote to the London Company of Virginia in a similar propagandistic vein about the potentialities of the bay trade. Whichever of Claiborne's motives, trade, colonization or patriotism was foremost, he succeeded in his aim of settling Kent Island.

A large number of conflicting claims have been made concerning the site of the original settlement on Kent Island, but no conclusive evidence is available to date that might decide between them. Prominent contenders are Indian Spring Plantation, a farm located on Shipping Creek, various sites near Tanner's and Long Creek, and some farms further south, on the various creeks north of Kent Point. Shore line study, unfortunately, is inadequate as a guide to the early settlement. Any one of the Eastern Bay inlets between Kent Point and Shipping Creek might have been Claiborne's anchorage. The fact that many are now blocked by sandbars does not exclude them, since these bars are sometimes created in the course of one storm, and are breached with equal ease. An archaeological search for the site has not thus far been undertaken, but conjecture has led historians, including Davis, Emory, and Scharf to conclude that the site was close to Kent Point.<sup>28</sup> Indian Spring, however, may also have been a farm or settlement

<sup>25</sup> "Claiborne vs. Cloberry," *MdHM*, XXVI (1931), 386.

<sup>26</sup> *Ibid.*

<sup>27</sup> "Claiborne vs. Cloberry," *MdHM*, XXVII (1932), 338.

<sup>28</sup> Frederic Emory, *Queen Anne's County, Maryland. Its Early History and Development* (Baltimore, 1950), p. 314.

established by Claiborne. It is located southeast of Craney Creek, and may have been part of Crayford plantation established there by Claiborne and two other partners. Kent Fort Manor lands, however, which include the site of Claiborne's settlement, never reached as far north as Shipping Creek.

While intensive search of land titles and field work in the summer of 1956 failed to disclose the location of Claiborne's settlement, the following assumptions may be advanced on the basis of that work. After Claiborne's effective hold on Kent Island was broken by the followers of Lord Baltimore, the lands of Crayford plantation and Kent Fort were converted into manors, and the population of southern Kent Island during the 1640's and 1650's was required to pay manorial fees, one part of the population at Kent Fort Manor, and one part at Crayford Manor. In England it was the privilege of manor lords to require their peasantry to mill their corn in the local mill and to exact a fee for the milling. We do not know to what extent the English manorial model was duplicated on Kent Island, but we do know that one day of taxation was Michaelmas, the 29th of September, which was a common date for manorial taxation in England. Furthermore, as the Rent Rolls of Kent Island reveal, the farmer there, as well as his counterpart in England, delivered his fees in kind—corn and wheat at the mill of the manor lord. Two windmills were built by Claiborne in 1635, one on Crayford Plantation lands and one at Kent Fort.<sup>29</sup>

The mill at Crayford Manor was located on a farm three quarters of a mile south of Craney Creek. A windmill on the same site was still operated in 1877, and a millstone from this latter mill was located in July, 1956, on a farm nearby, owned by Elbert Nostrand Carvel. No such tangible evidence is available for the location of the first plantation of Kent Manor, but there is relevant indirect evidence. In some titles and wills a farm located on the first inlet of Eastern Bay north of Kent Point is called St. Michael's farm. It is possible that the site of the manor's mill and buildings, in short the site of Claiborne's first settlement, was located on this farm, whose name may have been derived from Michaelmas, the day of taxation. Only archaeological exploration, however, can confirm or weaken this thesis.

<sup>29</sup> *Archives*, V, 184.

Toward the end of the 1630's, the population of Kent Island had reached 120 men and an undesignated number of women and children. Claiborne recognized the need of a pioneering plantation colony for skilled traders, hunters, laborers, and craftsmen, such as smiths and millwrights. Between the freemen who settled at the island in response to his encouragement and the indentured servants shipped by his English trading partners, Clobery and Co., Claiborne managed to build up such a group of men. Several considerations must have molded Claiborne's vigorous and astute method of settlement. One factor was surely the economic necessity of producing enough goods to maintain profitable communications with primary colonies in the James River area and with England. Of further influence were Claiborne's political ambitions. Which reason was the dominant one for his policy cannot in the absence of detailed records be determined.

The partnership between Claiborne and Clobery broke up, and a bitter feud was conducted before the Court of Admiralty in London. From the proceedings of that suit data concerning the indentured population of the island can be derived. According to Clobery, five ships were dispatched to Kent Island, the *Affrica* first, with twenty indentured servants, the *James* with thirty, the *Revenge* with seven, and the *John and Barbara* and *Sara and Elizabeth* with eighteen each. Claiborne, on the other hand, claimed that only seventeen were sent on the *Affrica*, and not more than twenty-two had been sent on the *James* and *Revenge* combined.<sup>30</sup> Only the figures given by Claiborne concerning the last two ships agree with those furnished by Clobery.<sup>31</sup>

The roots of colonial servitude were in the English apprenticeship and vagrancy laws. The philosophy behind both was the enforcement of contract—the contract between master and apprentice on the one hand, and between master and servant on the other. Both apprentice and servant were compelled to serve a specified number of years. The policy of importing indentured servants to the colony was sanctioned in Virginia in 1619 and was widely practiced there.<sup>32</sup> For the most part these servants were sent to colonial office holders who either put them to work on

<sup>30</sup> *MdHM*, XXVII, 209.

<sup>31</sup> *Ibid.*, p. 104.

<sup>32</sup> Harold Underwood Faulkner, *American Political and Social History* (New York, 1948), p. 55 ff.



KENT ISLAND

*Photo by H. Robins Hollyday*



their own plantations, or leased them out, as often proved more profitable, for a tobacco payment.<sup>33</sup>

It is probable that the servants shipped to Kent Island by Clobery were in "noe way sufficiente . . . for the maintenance and defendinge of the saide plantacion againste the Indians, and to manne the pinnaces and boates for the followinge of the trade."<sup>34</sup> Not only were numbers insufficient, but the quality of some of the indentured servants left much to be desired. The Vagrancy Acts and Statute of Apprentices, passed almost one hundred years before the settlement of the island, were designed to cope with the rogues, vagabonds, and beggars who haunted English roads, a "feared and hated group displaced from their land in the wake of the economic changes in Tudor England."<sup>35</sup> In the intervening years between the adoption of vagrancy and apprenticeship legislation and the shipment of indentured servants, conditions improved and the indentured servant was a different man from the one to whom the laws of the mid-sixteenth century had applied.<sup>36</sup> Nonetheless, the individual was as a rule probably far from the ideal of a hard-working farmhand. While the harsh vagrancy and apprenticeship legislation of the mid-sixteenth century had been softened in the following period, the end of that century and the beginning of the seventeenth century marked a return to general severity, indicating in part that the class from which indentured servants were recruited had probably not improved very much.

We have no biographical data concerning the servants who came to Kent Island, but undoubtedly they were like the general run of indentured servants shipped to the colonies. The unskilled servants were either recruited from towns or from the landless of the countryside.<sup>37</sup> They had a vague familiarity with agricultural practice in England and no familiarity with requirements of American agriculture. This alone would necessitate the additional importation of experienced men from the Virginia settlements, and inefficient servants meant that many laborers were required to

<sup>33</sup> Hale, *op. cit.*, p. 110.

<sup>34</sup> MdHM, XXVII, 209.

<sup>35</sup> G. M. Trevelyan, *History of England*, new ed. (New York, 1954), II, 33.

<sup>36</sup> George Alsop who was in Maryland in the 1650's is an example of the better educated men who came to Maryland as indentured servants. Alsop was the author of a pamphlet on Maryland, *A Character of the Province of Maryland*, published in London in 1666.

<sup>37</sup> E. I. McCormac, *White Servitude in Maryland 1634-1820*, John Hopkins University Studies in History and Political Science, Vol. XXII (Baltimore, 1904).

accomplish what a few skilled hands could do. Some of the servants had no sense of morality or of responsibility.<sup>38</sup> Claiborne reported that one of the indentured servants "was thought by the men to have fyred the houses willingly and therefore they would not indure him. Whereupon I sold his tyme being a very untoward youth."<sup>39</sup>

Not all of the servants were unskilled, however. In his suit with Cloberry and Company, Claiborne furnished a list of the names of all such servants as were employed upon the trade and the plantation of the Isle of Kent during his abode there. Those marked by H in the list which follows were hired for wages. These hired servants may have been indentured to someone else, for Claiborne hired out some of his servants. The list shows the distribution of specialized tasks in the company venture and thereby reflects something of the nature of life and work in the colony.<sup>40</sup>

1631 "The names of such persons as were transported in the Affrica upon the joynt accompt viz."

- |  |                                   |
|--|-----------------------------------|
| 1. Thomas Bagwell, trader  | 2. John Belson, carpenter         |
| 3. John Parre, hog keeper  |                                   |
| 4. Henry East  | "These 4 were employed in the     |
| 5. Thomas Kendell  | kitchin to dress                  |
| 6. William Cocke   | victuals bread corne and other    |
| 7. John Russell, boy   | worke in the howse."              |
| 8. Joane Young, "mayd servant to wash our linnen"                    |                                   |
| 9. Henry Pincke, "reader of prayers in the howse                     |                                   |
| He breaks his Legg and was unserviceable"                            |                                   |
| 10. John Thompson  | "These men being the ablest men   |
| 11. Phillipp Hamblyn   | dyed within 3 or 4 monthes after  |
| 12. John Dunne   | our arrivall whereof greate cause |
| 13. Christofer fleming   | was the hardness they indured by  |
| 14. John Buttler   | loose of our goodes and cloathes  |
| 15. Thomas Ivypland  | by fyre."                         |
| 16. "Richard Hanlsey was thought by the men to have fyred the houses |                                   |
| willingly and therefore they would not indure him. Whereupon         |                                   |
| I sold his tyme being a very untoward youth."                        |                                   |
| 17. Arthur Figes, "Leiftenant"                                       |                                   |
| 18. William Claiborne Captain  |                                   |

<sup>38</sup> The ideas developed in this section are based, in part, on McCormac's work and Trevelyan's *History of England* and *English Social History*. Other helpful works were L. C. Gray's *History of Agriculture in the Southern United States* (Washington, 1933) and E. B. Greene and V. D. Harrington's *American Population before the Federal Census of 1790* (New York, 1932).

<sup>39</sup> "Claiborne vs. Cloberry," *MdHM*, XXVIII (1933), 181.

<sup>40</sup> The list is reprinted from *MdHM*, pp. 180-187, in abbreviated form.

" More servants hired there by Captaine Cleyborne viz."

- |                         |                               |
|-------------------------|-------------------------------|
| 1. Richard Thompson H   | 2. John Abbott H              |
| 3. James Lerrick H      | 4. Henry Ubancke [Eubancke] H |
| 5. Martin Male [Mole] H | 6. Edward Backler H           |
| 7. William Collupp H    |                               |

1632 " Men I implied this yeare uppon the joynt accompt viz."

- |                                 |  |
|---------------------------------|--|
| 1. William Claiborne, Captain   | 2. Richard James, minister                           |
| 3. Arthur Figes, " leiftenant " | 4. Richard Popsley, overseer of the men              |
| 5. William Cockes, carpenter    | 6. Hughe Hayward, huntsman                           |
| 7. Henry Euancke [Eubancke] H   | 8. Martin Male [Mole] H                              |
| 9. Edward Backler, hog keeper H | 10. John Parr, hog keeper                            |
| 11. Joan Young, maid servant    | 12. Richard Thompson, trader H                       |
| 13. William Collupp, trader H   | 14. Jeames Lerrick, trader H                         |
| 15. Sparrowbill, trader H       | 16. John Abbott, labourer H                          |
| 17. Richard Bradnall, labourer  | 18. William Cocke, labourer                          |
| 19. Joseph Cockes, labourer     | 20. John Belsor, labourer                            |
| 21. Henry East                  |  |
| 22. Thomas Kendall              | " These were employed in the kitchen to beat corne." |
| 23. Thomas Leicester            |  |
| 24. John Russell, a boy         | 25. Christoper Flemming, sick                        |

" Our workes and imployments these two yeares were

1. To build our howses
2. To pallizado our fort and fortify us against the Indians
3. To cleare ground, to fence it, and plant corne and victuals and tend our hoggs
4. To Keepe men abroad in severall boates a trading, which was our principall worke.

Wee went in boates often to Virginia to supply ourselves of cloathes and other necessaries."

1633 " Men employed this yeare upon the service for the joynt account at the Isle of Kent."

- |                               |  |
|-------------------------------|--|
| 1. William Claiborne, captain | 2. Arthur Figes, lieftenant            |
| 3. Richard James, minister    | 4. Hugh Heywood, overseer and huntsman |
| 5. William Coxe, carpenter    | 6. Henry Eubancke, interpreter H       |
| 7. Martin Mole, gardener      | 8. Edward Blackler, hog keeper         |
| 9. John Parr, hog keeper      | 10. Richard Thompson, trader H         |
| 11. James Lerrick, trader H   | 12. William Collupp, trader H          |
| 13. Sparrowbill, trader       | 14. William Caske, labourer            |
| 15. Joseph Coxe, labourer     | 16. John Abbott, labourer H            |
| 17. John Belson, labourer     | 18. Henry East, labourer               |

19. Thomas Cakebread H
20. Thomas Kendall
21. John Russell
22. Joane Qually, maid servant H

"imployed in the Ketchin"

"This yeare our imployments were as in former yeares and wee planted 2000 plants of tobacco or fewe more"

1634 "Men imployed uppon the service of the Isle of Kent this yeare"

- |                                  |   |
|----------------------------------|---|
| 1. William Claiborne, captain    | 2. Arthur Figes, liefteneant                                  |
| 3. Richard James, minister       | 4. Hugh Heywood, overseer                                     |
| 5. William Coxe, carpenter       | 6. Robert Cooper, carpenter 1/2 year                          |
| 7. Henry Eubancke, interpreter H | 8. Martin Mole, gardner H                                     |
| 9. Edward Backler, ranger H      | 10. Joan Qually, maid servant H                               |
| 11. John Pimmell, trader H       | 12. Thomas Goavell, trader H                                  |
| 13. Edward Thompson, trader H    | 14. Sparrowbell, trader                                       |
| 15. John Belson, labourer        | 16. John Parr, labourer                                       |
| 17. William Cocke, labourer      | 18. William Dawson, labourer                                  |
| 19. Henry Hewitt, labourer       |   |
| 20. Thomas Cakebread H           | "imployed in the Ketchin to beate corne and dresse Victualls" |
| 21. Henry East                   |   |
| 22. Thomas Kendall               |   |
| 23. John Russell                 |   |

"This yeare we were much hindered and molested by the Indians falling out with us and killing our men and by the Marylanders hindring our trade. Wee made our ffort strong etc."

"Servants reseaved out of England by the shipp James and Revenge viz."

- |                               |                                |
|-------------------------------|--------------------------------|
| 1. Anthony Lynney, millwright | 2. Thomas Woodhouse, carpenter |
| 3. John Bennett, carpenter    | 4. Richard Hobbin, smith       |
| 5. Richard Hall, carpenter    | 6. William Elvis, sawyer       |

"Theise were upon wages and found themselves cloathes."

- |  |  |
|--|--|
| 7. Edward Parry                        | 8. Henry Barcum                        |
| 9. John Assett, gardner                | 10. Roger Backster, smith              |
| 11. Samuell Scovell, sawyer            | 12. Howell Morgan                      |
| 13. Thomas White                       | 14. Thomas Audly, boy                  |
| 15. Ariginall Browne, old and decrepit | 16. Matthew Roadon                     |
| 17. Edward Deering, sea boy            | 18. Henry Hunt                         |
| 19. Phillip Jones                      | "weake men and dyed in 4 or 6 monthes" |
| 20. John Hazerd                        |  |
| 21. John Eastrill, carpenter           | 22. Thomas Symons, carpenter           |

1635

- |                                      |  |
|--------------------------------------|--|
| 1. Hugh Heyward, overseer of the men | 2. William Coxe, carpenter                       |
| 3. Thomas Smyth, storekeeper         | 4. Anthony Lynny                                 |
| 5. John Eastrill                     | "millwrights and carpenters"                     |
| 6. Thomas Symons                     | 8. Thomas Woodhowse                              |
| 7. John Bennett                      | 10. Richard Hobin, smith                         |
| 9. Richard Hill                      | 12. John Belson, carpenter                       |
| 11. William Ellins, sawyer           | 14. Edward Backler, ranger H                     |
| 13. Henry Eubanke, interpreter H     |  |
| 15. Henry East, planter              | "imployed to dresse victualls or to beate corne" |
| 16. Thomas Cakebread                 |  |
| 17. Thomas Kendall                   | 21. John Ascul, gardner                          |
| 18. William Cocke                    | 23. Samuel Scovell, sawyer                       |
| 19. John Russell                     |  |
| 20. Henry Barcum, tailor             | "woodcutters and labourers"                      |
| 22. Roger Baxter, smith              |  |
| 24. Howell Morgand                   |  |
| 25. Thomas White                     |  |
| 26. Edmond Parry                     |  |
| 27. Originall Browne                 |  |
| 28. Thomas Audley                    |  |
| 29. Henry Hunt                       | 30. Philip Jones                                 |
| 31. John Haggerd                     | 32. Matthew Raidon, hired out                    |
| 33. Edward Dearing, sea boy          | 34. John Puriwell, seaman H                      |
| 35. Robert Lake, seaman H            |  |
| 36. Joane Qualley H                  | "mayd servants imployed in the kitchen and dary" |
| 37. Mary Martyn H                    |  |
| 39. Joyce Davis H                    |  |

"This year our imployments were as in other years; but for our trade wee made many voyages; wee did little good and had many hinderances from the Marylanders. Our principall imployments for our men were in making 2 windmills."

1636 "Men imployed upon the services at the Isle of Kent this yeare"

- |                                |                              |
|--------------------------------|------------------------------|
| 1. Thomas Smyth, trader        | 2. Thomas Adams, storekeeper |
| 3. Edmund Parry, over the men  | 4. Vincent Mansfeild, lame   |
| 5. John Ascue, gardener        | 6. John Pinwell, seaman H    |
| 7. Robert Lake, seaman H       | 8. Edward Deering, trader H  |
| 9. Edward Thompson, trader H   | 10. Henry Hawley, trader     |
| 11. Sparrowbell                | 12. Samuel Scovell, sawyer   |
| 13. Matthew Priest, sawyer H   | 14. Francis Brookes, miller  |
| 15. William Westley, miller    | 16. Henry Barcum             |
| 17. Thomas White, labourer     | 18. Howell Morgan, labourer  |
| 19. Originall Browne, labourer | 20. John Russell, labourer   |
| 21. William Freeman H          | 22. Richard Reyman H         |

- |                              |                               |
|------------------------------|-------------------------------|
| 23. Roger Baxter, hired out  | 24. Matthew Royden, hired out |
| 25. Thomas Audley, hired out |                               |
| 26. Joane Vizard             |                               |
| 27. Mary Martin              | " in the Kitchin              |
| 28. Anne Matthews            | and dary "                    |
| 29. Thomas Cakebread         |                               |

" This yeare our works were as other yeares in trading and planting but especially wee were imployed in perfecting the mills. Wee framed 2 other mills perfectly so farr as we could ready to set up. Wee framed the church we sawed divers stocks to boards."

The list gives no information about free settlers. Other settlers on Kent Island had for the most part belonged to one of two groups; either they had been tenants on the Virginian plantations of Claiborne, or they had squatted on his lands in Accomac. Claiborne apparently treated the former well and did not prosecute the latter. These people formed a strong personal attachment to Claiborne and followed enthusiastically his call to settle Kent Island. They were acclimatized, familiar with agricultural conditions in Virginia, and probably seasoned in Indian wars. The latter was probably an important consideration in view of the massacre of Dutch settlers at Swaanendale near the Delaware, which made preparedness and a reliable core of settlers imperative.<sup>41</sup> The loyalty to Claiborne on the part of the freemen hired in Virginia persisted even after he had lost legal control of the island. One of these men testified in his behalf before the Court of Admiralty, and the record of the testimony reads " if it had not beene for the love and goodwill which this deponent and other freemen did beare to the said Claiborne they would not have served for twice soe much to any other." <sup>42</sup> Negroes appeared on the island at this early phase of settlement. They were probably slaves hired out to Claiborne by their owners.<sup>43</sup>

Young and old were few in the little colony. Among the first year's group of indentured servants was one boy and one " youth." <sup>44</sup> Two more boys arrived in the fourth year,<sup>45</sup> one of whom was employed as a woodcutter a year after his arrival and the other as a trader. The latter may have been placed among the

<sup>41</sup> *Archives*, V, 220.

<sup>42</sup> *Ibid.*, p. 197.

<sup>43</sup> *MdHM*, XXVIII, 39.

<sup>44</sup> *Ibid.*, p. 181.

<sup>45</sup> *Ibid.*, p. 184.

Indians in order to learn their language, a common procedure in the Chesapeake Bay.<sup>46</sup> The kitchen boy who arrived with the first group must have been very young to have been "employed in the kitchen to beat corne" <sup>47</sup> for five years. At the other extreme of the population pyramid was Originall Browne, who honored his name by being "old and decrepit." <sup>48</sup> He must have had great stamina to survive the rigours of transatlantic passage, and to act in the succeeding years as woodcutter and laborer.

Only one woman, "Joane Young mayd servant to wash our linnen" <sup>49</sup> was included in the first group of servants to arrive on the *Africa*. In the lists dated 1635 and 1636 there were three women. These represent, however, replacements as well as additions, for matrimony or mortality (it is impossible to determine which) was responsible for the disappearance of the women from the lists. It is not known whether more personal services than the washing of linen were required from these woman. Hale, a biographer of Claiborne, believes this to be the case,<sup>50</sup> but we do not actually know anything about the family structure on the island among the free or the indentured servants. The great disproportion between the sexes undoubtedly encouraged easy marriages. George Alsop, an early writer of Maryland who himself came to the proprietary province as an indentured servant, wrote: "The women that go over into this Province as servants, have the best luck here as in any place of the world besides; for they are no sooner on shoar, but they are courted into copulative Matrimony." <sup>51</sup> Although Alsop wrote some thirty years after the settlement of Kent Island and in some respects as a propagandist for the colony, which was trying to encourage the immigration of women, his statement was probably true for the period preceding his when the sex disproportions were even more glaring.

Mortality was extraordinarily high among the servants. What the state of health of the population as a whole was, cannot be determined, since what little data are available comes from Claiborne's suit against Cloberry and refers to the English servant

<sup>46</sup> Hale, *op. cit.*, p. 95.

<sup>47</sup> *MdHM*, XXVIII, 181.

<sup>48</sup> *Ibid.*, p. 184.

<sup>49</sup> *Ibid.*, p. 181.

<sup>50</sup> Hale, *op. cit.*, p. 143.

<sup>51</sup> George Alsop, *A Character of the Province of Maryland*, reprinted in Gowan's *Bibliotheca Americana*, ed. John Gilmary Shea (New York, 1869), p. 59.

group alone. Six of the arrivals on the *Affrica* died within three to four months after their landing. Two of the group that came on the *James* and the *Revenge* died within four to six months. The high mortality may be ascribed in part to the hardships of pioneering a new plantation. In speaking of the first group, Claiborne reported that "greate cause was the hardness they indured by loose of our goodes and cloathes by fyre."<sup>52</sup> The servants had also been subjected to the rigours of a sea voyage. After two months and more on small overcrowded ships, with bad water, and food often spoiled in the latter stage of the voyage, they arrived in a state of lowered physical resistance which courted disease.

The *Affrica* arrived in the Bay in the middle of the summer. It took additional provisions in Kecoughtan, touched at Accomac on August 11, 1631, and reached Kent Island late in August. The timing could not have been worse, for, as Bruce, the economic historian of Virginia, asserted, it was dangerous to reach Virginia before late autumn when the frost had killed the germs of the ague, the term used generally to describe malarial fever. In the summer of 1635, fifteen ship masters died out of the thirty-six who had entered the bay for the first time. A Dutchman in Virginia in 1630 remarked that unseasoned people died like cats and dogs between June and August.<sup>53</sup>

If the settlers had come to Kent Island somewhat later or somewhat earlier in the year, they might have had more time to acclimatize themselves. But, although there is no available data to show why the colonization of Kent Island was undertaken in the summer, there are a number of possible reasons for this choice of season. The majority of transatlantic voyages were made in the summer in order to avoid storms.<sup>54</sup> It is possible, moreover, that the settlement of the island was timed to coincide with the fall maturing of Indian corn which might help to tide the settlers over the winter.<sup>55</sup> Another highly probable reason was the need to provide a return cargo for the *Affrica*.<sup>56</sup>

Trade was obviously a most important motive in the settlement

<sup>52</sup> *MdHM*, XXVIII, 181.

<sup>53</sup> See Arthur Pierce Middleton, *Tobacco Coast, A Maritime History of the Chesapeake Bay in the Colonial Era* (Newport News, 1953), p. 11.

<sup>54</sup> *Ibid.*, p. 199.

<sup>55</sup> Hale, *op. cit.*, p. 84.

<sup>56</sup> *MdHM*, XXVII, 23.

of Kent Island, and for Claiborne's English partners, perhaps the only motive. Even if political ambition had been foremost among Claiborne's own motives, he would have been forced to trade in order to achieve solvency for his colony. The importance of return cargoes for the ships that supplied his little island cannot be overemphasized.

Cloberry and Company, according to Claiborne, received a return cargo for the *Affrica*, part of which was a load of salt. This product was manufactured during the early summer and "wheelbarrowes"<sup>57</sup> were provided for the ship when she was sent to pick up the salt. Beaver pelts, obtained between March and June, the time of major fur trade with the Indians, also formed a part of the cargo. It was thus advantageous to schedule the arrival of ships after June for these products to be ready for shipment back to England.

Wood cut on the island was also exported. It was cut for various uses, such as pipe staves,<sup>58</sup> and probably for shipbuilding. The predominance of pines was fortunate in that "good sound Pitch Pine" was highly valued for shipbuilding,<sup>59</sup> and the relative scarcity of hardwoods was no drawback, since American oak, so it was believed, "did not come up to our English oak in goodness."<sup>60</sup> Although beaver pelts, wood, salt, corn, and after 1633 some tobacco<sup>61</sup> were shipped from Kent Island, the quantities were not sufficient to warrant English ships making regular calls on the island. The young plantation was compelled to ship its produce and beaver to Virginia, where colonial exports from many points in the colony were assembled for shipment to Europe. Overhead was thus incurred in leasing storage space and defraying mooring charges, especially in the first years, when "expenses in our several voyages at Kecoughtan Accomack James Citty" ran to £7 10s.<sup>62</sup>

Kent Island became a factor in intercolonial trade. Supplying corn to New England from the Chesapeake Bay was a profitable if hazardous business. Captain Fleet, a competitor of Claiborne,

<sup>57</sup> *Ibid.*, pp. 102, 212.

<sup>58</sup> *Archives*, V, 171.

<sup>59</sup> Middleton, *op. cit.*

<sup>60</sup> *Journal of the Committee of Trade and Plantations*, Mar. 1714/5—Oct 1718, p. 218.

<sup>61</sup> *MdHM*, XXVIII, 172 ff.

<sup>62</sup> *Ibid.*, p. 34.

who also engaged in this trade, left a vivid description of the conditions under which the trade was carried on.

I was engaged to pay a quantity of Indian corn in New England . . . And when I observed that winter was very forward, and that if I should proceed and be frozen in, it might be a great hindrance to my proceedings . . . making all the convenient haste I could, I took into the barque her lading of Indian corn . . . The 6th of December we weighed anchor, shaping our course directly for New England, but the wind being contrary, ending with a fearful storm, we were forced into the inhabited river of James Town . . . But at this time I was much troubled with the seamen, all of them resolving not to stir until the spring, alleging that it was impossible to gain a passage in winter, and that the load being corn was the more dangerous. But the master and his mate, who were engaged for the delivery of the corn labored to persuade and encourage them to proceed, showing that it would be to their benefit; so that, with threats and fair persuasions, at last I prevailed.<sup>63</sup>

Claiborne had prepared for his entrance into intercolonial trade while he was in England. On April 30, 1631, John Winthrop, Jr., wrote to his father, the Governor of Massachusetts, concerning a contract he had made with Captain Claiborne to ship forty tons of Indian wheat from Virginia to Boston.

. . . the ship that bringeth it which is the Africa whereof Captain Claybourne is commander. He and the merchants that set him out offer us to bring what corne we will for fish, and for this would take fysh of you if you could provide it for them. This corne we understand they buy of the natives there for trucke, there is a great store all alongst the coasts, from a little to the southward of you to Florida and beyond, etc, and to be had for toyes, beads, copper, tooles, knives, glasses and such like.<sup>64</sup>

The most important commercial activity of the island was the beaver trade. In a statement before the Court of Admiralty dated October 29, 1639, and titled "Personal answer of Cleborne to Clobberie's libel," the benefits of six years of trading for beaver pelts were enumerated. During that period Claiborne had received from England goods valued (by Claiborne) at £757 11s 5d. In addition to these goods, he purchased £814 5s worth of trading goods in Virginia "which had they been boughte and sente out of England by the said Clobberie and Companie would not have coste as he believeth above the summe of [£]450." This investment

<sup>63</sup> Scharf, *op. cit.*, I, 14.

<sup>64</sup> Massachusetts Historical Society *Collections*, 5th Ser., XVIII, 31.

yielded, according to Claiborne, a return of 7,488 pounds of beaver and 2,843 bushels of corn. Since beaver was valued at twelve shillings a pound, and corn at four pence a bushel, they yielded respectively the equivalent of £4,492 8s and £47.<sup>65</sup> The white trader then, gained a return slightly under three times the sum which he spent for trading goods. To the returns from the beaver trade, profits reaped from "sendinge corne to Newe England and Nova Scotia"<sup>66</sup> must be added, as well as £581 10s which Claiborne received for selling "unto severall persons the quantitie 1853 bushells."<sup>67</sup>

Although not all of this, of course was profit, the total returns for a six-year period of trading amount to almost four hundred per cent over the original investment. It must be remembered, moreover, that the sums submitted were offered by Claiborne, and if it is true, as his former partners alleged before the Court of Admiralty, that Claiborne retained part of the trade profits, the proportion of profit to investment may have been even higher.

Inasmuch as trade with the Indian occupied a large share of the energies of Kent Island settlers, a brief account of the nature of that trade goes far in illuminating the milieu of the small settlement. Claiborne graphically described the dangers of the trade.

... our trade with the Indians is allwayes with danger of our lives; And that we usually trade in a shallop or small pinnace, being 6 or 7 English men encompassed with two or 300 Indians. And that is as much as we can doe to defend our selves by standing on our guard with our armes ready and our gunns presented in our handes. Two or 3 of the men must looke to the trucke that the Indians doe not steale it, and a great deale of trucke is often stole by the Indians though we look never soe well to it.<sup>68</sup>

Of Indian bargaining habits and the burden they placed on the white trader, Claiborne wrote:

Parte of the trucke is given away to Kings and great men for presents; and commonly one third part of the same is spent for victualls, and upon other occasions. And that the usuall manner of that trade is to shew our trucke, which the Indians wilbe very long and teadeous in viewing, and doe tumble it and tosse it and mingle it a hundred times over soe that it is impossible to keepe the severall parcells a sunder. And if any traders

<sup>65</sup> *MdHM*, XXVII, 205-206.

<sup>66</sup> *Ibid.*, p. 99.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*, p. 344.

will not suffer the Indians soe to doe they wilbe distasted with the said traders and fall out with them and refuse to have any trade.<sup>69</sup>

To keep strict accounting in this kind of trade was extremely difficult.

it is not convenient or possible to keepe an account in that trade for every axe knife or string of beades or for every yard of cloth, especiaillie because the Indians trade not by any certeyne measure or by our English waighes and measures. And therefore every particuler cannot be written downe by it selfe distinctly. Wherefore all traders find it that it is impossible to keepe any other perfect account then att the End of the voiadge to see what is sold and what is gained and what is lefte.<sup>70</sup>

Kent Island traders nonetheless probably encountered fewer difficulties than the traders who had preceded them and had first established trading contacts with the Indians. By the 1630's the Indians were familiar with the value placed by the white man on certain goods and the return he offered for them. An increasing orientation of Indian life to the beaver trade probably marked a fundamental cultural revolution, but a revolution which had begun before the settlement of Kent Island. Captain Fleet may have been responsible for initiating this fundamental change. Fleet relates that: "the Indians had not preserved their beaver but burnt it as their custom is whereupon I endeavoured by persuasion to alter that custom and to preserve it for me against the next spring, promising to come there with commodities of exchange by the first of April."<sup>71</sup> Of Claiborne's skill as a trader it has been written that "noe other Englishman which traded with the Indians in the yeares aforesaid made soe good voiadges or gott soe many beaver skinnnes for soe little trucke as appeares to be gotten by the said Claiborne. . . ."<sup>72</sup>

Both as settlers and as traders the men of Kent Island depended on the bay. As settlers, they derived their vital supplies and shipped their produce on this waterway, and as traders they relied on the 4,612 miles of its tidal shore line and its forty-eight principal rivers for their marketplace. The life of the settlers was almost amphibious, and a prime necessity was sufficient boats to make use of the unusually extensive pattern of waterways. On the arrival

<sup>69</sup> *Ibid.*, p. 345.

<sup>70</sup> *Ibid.*

<sup>71</sup> Scharf, *op. cit.*, I, 14.

<sup>72</sup> *MdHM*, XXVII, 344.

of the *Affrica* in Virginia, Claiborne acquired rudder irons, and twenty-three deal boards of fir and pine wood for the construction of a shallop and other uses.<sup>73</sup> The policy of equipping the settlers with the prefabricated parts of boats shows considerable efficiency in the technique of seaboard colonization. The method did not originate with Claiborne for the first colonists to Virginia brought with them from England a barge broken down into its components. Similarly Lord Baltimore's settlers came equipped with a "Barge, which was brought in pieces out of *England*, & there made up."<sup>74</sup>

For the Indian trade, the people of Kent Island needed craft of medium size. Like the other traders on the bay, to a large extent they built their own vessels. Captain Henry Fleet, for example, in 1632 built a shallop and a "Barque" of 16 tons.<sup>75</sup> By 1634 Claiborne had a shipyard on Kent Island which produced pinnaces and shallops. This was the first known yard in what became Maryland.

The Kent Island "shallops," "pinnaces" and unspecialized "boats" all had quaint names. One shallop was named *Cockatrice*, another *Start*.<sup>76</sup> "Makeing the halfe decke and raising the boats" converted the *Firefly* from boat to pinnace. The name of the pinnace *Long Tail*<sup>77</sup> was probably derived from the beaver pelts for which it went to the bay's Indian villages.<sup>78</sup>

Upkeep of the boats involved a special problem. The absence of fresh water anchorages on Kent Island exposed boats to one of the scourges of the bay, the "wormes" (*Teredo Navalis*) and barnacles which infest the brackish waters of the bay and frequently caused irreparable damage to pinnaces and shallops. The disastrous effect of the worms was described by Beverley: "In the month of *June* Annually, there rise up in the salts, vast Beds of Seedling-Worms which enter the ships, sloops or Boats where-ever they find the Coat of Pitch, Tar, or Lime worn off the Timber; and by degrees eat the Plank into cells like those of a Honey-comb."<sup>79</sup> The menace persisted to the middle of July, according to Beverley, when the worms disappeared after the first great rains of the summer until the next year.

<sup>73</sup> MdHM, XXVIII, 32.

<sup>74</sup> *Relation of Maryland* (1634), p. 11.

<sup>75</sup> M. V. Brewington, *Chesapeake Bay, A Pictorial Maritime History* (Cambridge, Md., 1956), p. 9.

<sup>76</sup> *Archives*, V, 161-162, 190.

<sup>77</sup> MdHM, XXVIII, 34.

<sup>78</sup> *Ibid.*, p. 38.

<sup>79</sup> Middleton, *op. cit.*, pp. 35-36.

The *Teredo Navalis* is still common on Kent Island in the beginning of August and by the end of the month is found at the head of inlets such as Coxes Creek. At the present boats are coated before the "work season" with copper paint, which apparently ionizes the water layer in contact with the boat bottom and repels the worms.<sup>80</sup> In the period of settlement this expedient was, of course, unknown, and settlers coated their boats with pitch and lime. In 1632 £3.8.0 were spent on "a barrell of brimstone to keepe our boates from the wormes."<sup>81</sup> Other methods probably used on the island are mentioned by Beverley in his *History of Virginia* such as the application of tallow and burning of the bottoms as soon as the worms had passed.<sup>82</sup>

"Sheathing" was a further means of protection. In 1632, one Robert Hewet was paid "for sheathing the pinnace,"<sup>83</sup> a process consisting of covering the boat's bottom with a shell of planks, generally of pine wood. The worms attacked this outer sheath, but did not penetrate the ship's bottom itself. This record of sheathing a boat on Kent Island antedates by sixty years the first record of sheathing mentioned by Arthur Pierce Middleton, who refers to 1696 as the date when the sloop *Spywell* had a sheath "laid on."<sup>84</sup>

Summer was then a period of great activity. In addition to general planting chores, the settlers had to prepare the boats for the "worms season" and send them to Indian villages and trade rendezvous. Many of the islanders went to trade, for experience had taught them that at least three or four boats, each manned by six or seven men, were required in order to conclude a profitable trading season. Otherwise the returns were insufficient to warrant shipping the beaver furs via Virginia to England.<sup>85</sup> Aboard their ships the settlers looked more like sailors than planters, for they wore "frise coates" and went ashore in "wadeing bootes."<sup>86</sup>

Not much is known about land use in the first period. Corn was raised, cows and hogs were kept, and while the mill stone at which

<sup>80</sup> Information obtained by the author from Dr. Reginald T. Truitt, Biologist, formerly in charge of the Maryland Department of Education and Research Experiment Station, Solomons Island, now living on Kent Island.

<sup>81</sup> *MdHM*, XXVIII, 36.

<sup>82</sup> Middleton, *op. cit.*, p. 235.

<sup>83</sup> *MdHM*, XXVIII, 174.

<sup>84</sup> Middleton, *op. cit.*, p. 236.

<sup>85</sup> *Archives*, V, 192.

<sup>86</sup> *MdHM*, XXVIII, 172.

the island's corn was milled was shipped from England, the cog wheels and mechanism were made on the island by millwrights sent by Clobery and Company.<sup>87</sup> "There being much feed and grasse on the said plantation," thirty cows were purchased by Claiborne from Sir Thomas Gates in Virginia.<sup>88</sup> The year of 1634 was a bad one for Virginia's corn crop, and the earliest record of the destruction of corn by what is believed to be the cornborer. A letter from Samuel Matthews of "Newport Neewes" to Sir John Wolstenholme of May 25, 1635, records an "unusual kind of wevell that last yeare eate our Corne."<sup>89</sup> Since Claiborne does not seem to have omitted any disasters that occurred in his testimony before the Court of Admiralty, and since the destruction of a corn crop might have helped to explain the deficit Clobery and Company claimed to have found in Claiborne's accounts, it is apparent that Kent Island was spared this affliction. The remoteness from Virginia and the insularity of the island probably prevented the spread of the pest to Kent Island.

With the creation of Lord Baltimore's new province, and after the contest between Baltimore and Claiborne for possession of the island had been settled in favor of the former, proprietary policy became an increasingly important factor in the late seventeenth and eighteenth century development of the island.

*(To be continued)*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Archives*, V, 193.

<sup>89</sup> Scharf, *op. cit.*, I, 111.

## HENRI HERZ' DESCRIPTION OF BALTIMORE

Edited by HENRY BERTRAM HILL and LARRY GARA

THE majority of nineteenth-century European intellectuals had to rely upon published travel accounts for their impression of life in the United States. All of the travel accounts help us to reconstruct the "image of America" which Europeans developed. Among the many works which added to this image was the book written by the popular French pianist and composer Henri Herz.<sup>1</sup> From 1846 to 1851 Herz toured the Americas and in 1866 he published his impressions of the New World in what was to be the first of two travel books.<sup>2</sup>

Herz described a number of American cities including Baltimore, which he visited between concert series in New York. He found the city gay and charming. The churches attracted his attention and he included a description of the Catholic cathedral. He commented on the beautiful women of Baltimore and added a humorous illustration of the kind of trickery musicians sometimes resorted to on concert tours. Humorous, too, is Herz' description of the spitters' club which demonstrates that the American passion for contests of all kinds is not a twentieth-century innovation.<sup>3</sup>

Baltimore, known to Americans as the *city of monuments*, impressed me as most gay and charming. It is built on sloping land, crossed by a stream

<sup>1</sup> Heinrich Herz (1806-1888), a native of Austria, went to France to study music as a child prodigy. He considered himself French and used the professional name Henri Herz. His long career included numerous successful concert tours, a professorship at the Paris Conservatory, two ventures into the business of manufacturing fine pianos, and the building of a concert hall. Some critics have maintained that Herz lacked first-rate musical ability, but both his concerts and his numerous compositions were very popular in his day. More than two hundred compositions are credited to him. Eric Bloom, ed., *Grove's Dictionary of Music and Musicians*, 5th ed., 9 vols. (New York, 1955), IV, 259-260.

<sup>2</sup> *Mes voyages en Amérique* (Paris, 1866). Herz never published a second volume.

<sup>3</sup> The part of Herz' book reprinted here was translated from the French by Henry Bertram Hill.

which empties into the Patapsco River. Numerous bridges join the two halves of the city, in the middle of which rises majestically the column dedicated to Washington and crowned by a statue of that great citizen. This commemorative monument is almost two hundred English feet high, and is surpassed in height only by a tower used in the manufacture of shot. This tower, in which the lead falls so far that it is rounded, is considered by Americans to be the highest in the entire world. It was in regard to this tower that an American said to me one day, his eyes burning with enthusiasm, that if Europe was *picturesque*, America was *beautiful*, and that it was necessary to come to America to find the great masterpieces of nature. . . .<sup>4</sup> What this American told me I later convinced myself was not exaggerated. The United States is really the place where the Creator has displayed his most magnificent masterpieces for our admiration.

I believe that there is no other city in the United States so liberally supplied with churches, chapels, and temples for all sects as Baltimore. No restriction on religious liberty exists in America, where all faiths are equal in their possession of all the rights of freedom of conscience. By the terms of the constitution of the United States Congress cannot make any law relative to the establishment of a religion, or to prohibit its free exercise. No religious oath can ever be required for the holding of a public office in the United States. Because of this arrangement it can be said without exaggeration that all kinds of religious sects can be found all over the country. Talleyrand, a diplomat whose name everyone knows, when he visited America was struck, as all travelers are, by the existence of so many different sects living under one government. . . .<sup>5</sup> What I myself witnessed corroborates the observations of the celebrated diplomat. I would add, however, that the farther south one goes in the United States the more numerous are the adherents to the Catholic religion; while in the north the Protestant sects flourish.

The Catholic cathedral in Baltimore is considered one of the most beautiful structures of its type. The truth is, however, that although it is a spacious church, well executed on the interior, the exterior proportions leave much to be desired by our standards. I could not dream for an instant of comparing this cathedral with any of the great Gothic or Renaissance cathedrals we have in Europe. The Baltimore cathedral is in the form of a Greek cross, with a dome over the center. The dome seemed too flat to me, and the arches supporting it too heavy and lacking in grace. Some of the interior ornaments are worthy of attention, among them the two paintings given to the church by Louis XVIII of France. One of them, representing the descent from the cross, is by Paulin Guérin;<sup>6</sup> the other is said to be a copy of a Rubens, which I strongly doubt, the composition of the work being less than mediocre. I was told that the organ in the Baltimore cathedral was the largest in the United States. The manuals

<sup>4</sup> A long passage listing some of America's natural wonders follows.

<sup>5</sup> The deleted portion is a quotation from Talleyrand on religious toleration in the United States.

<sup>6</sup> Jean Baptiste Paulin Guérin (1783-1855) was a popular French painter who specialized in portraits and religious scenes.

seemed to be supplied with an extensive number of stops, but I had no occasion to hear the instrument.

Baltimore has an atmosphere of wealth about it and it also appears to have the most beautiful women in the whole country. At my concerts I was carried away to see so many beautiful faces all at once. All of them were really charming. I never did, however, get to the place reached by a pianist who toured America a little while after I did, and who always waved to them. This the gallant virtuoso did with his right hand, while his left hand went rippling over the keyboard of the instrument (consecrated style). What charms will do!

At his concerts he wore trousers with great stripes like those on mattress ticking, and when bouquets were thrown to him he always gathered them up and offered them to the most beautiful of his feminine listeners. Often he stopped in the middle of what he was playing in order to deliver a speech, after which he returned to the piano, throwing devastating glances at the ladies. I mention this, not as criticism of my most honorable colleague, but only because it is characteristic. No one found this conduct unbecoming, and the ladies were charmed by the dignified manners and bearing of this artist who was, indeed, so very commendable from every point of view.

After the Catholic cathedral of Baltimore I must mention the Unitarian church, which without question is a most beautiful edifice. The *city of monuments* also counts among its attractions in stone, marble, and brick the Battle Monument, the Armistead Monument, the City Hall, the State Prison, the Court House, and the chapel of the Catholic college, a true jewel, admirably situated for the recollection or creation of saintly thoughts.

Beginning with my first concert in Baltimore I was condemned by Ulmann<sup>\*</sup> to improvising, and what I little liked at first finally became very amusing to me. My secretary had announced that all themes which listeners wanted to offer for improvisation were to be presented to the management on the way into the hall. Fifty or sixty themes were left with the manager the first evening. Among these themes were several well-known melodies and a certain number of airs taken from the discordant repertory of the redskins. Here is how I proceeded on this occasion, as well as during later concerts: When the moment came to begin the improvising, I appeared on the platform with all the manuscripts, which I then ran through to present to the audience. The crowd was given an opportunity to approve or reject them by majority vote. This occasioned a great tumult in the hall, for the air which pleased some displeased others, and often it was very difficult for me to decide what the majority of listeners favored. When five or six themes had been chosen by this method, I combined them into a fantasy, as the spirit moved me.

If I had done my judging in the terms of the success resulting from it, then I should have been most happy about this musical nonsense, for it gave me great prestige and notoriety with the American public of that

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<sup>\*</sup> Bernard Ulmann was a well known impresario who managed Herz' American concert tour.

epoch. But the most unusual part of this improvising came from several of my listeners who did not know how to write music, and not wishing to lose their right of presenting themes, whistled them, asking me to write them down myself. The music lover of this type, after the audience quieted down, always stood gravely up on his seat and whistled as well as he could, while I, pencil in hand, quickly wrote down what was usually a baroque air of a vague and mysterious sort. Sometimes it was necessary to have the whistler repeat himself four times before I could get the phrases and the measure. The audience waited patiently while this work was being done, and applauded us, the whistler and myself, when at last I had the whole theme written down. Never once did I laugh over my part in this childish musical play, much as I was tempted to do so. Everyone was serious, but the most serious of all of us was Ulmann when he counted the receipts after each concert and always said to me, with justifiable pride:

"Was I right in getting you to improvise? . . ." \*

It was in Baltimore that I had the rare distinction of being introduced to a club which certainly was more curious than delicate. I wish to speak of the club of — spitters. To spit is an ever recurrent need in certain parts of the Union; it is a habit, a characteristic, and for some, an act of skill. I have seen the members of the spitters' club in all their glory. They were seated around a fireplace, the opening of which was covered with a sheet of iron pierced by a half dozen holes the size of a small coin. It was toward these holes that the virtuosos directed their projectiles, with a grace and facility one could not praise too much, remembering that they could have missed their aim.

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\* Several discursive passages follow. They include commentary on musical taste, the music trade, and the manufacture of pianos in the United States.

## REMINISCENCES OF JUDGE RICHARD HENRY ALVEY

By ALEXANDER ARMSTRONG <sup>1</sup>

ON November 14, 1906, a public meeting was held by the Bar Association of Washington in the Washington City Court House in memory of Richard Henry Alvey, the first Chief Justice of the Court of Appeals of the District of Columbia, who had died on September 14 at his home in Hagerstown. At that gathering one of the most eloquent speakers said that second only to Chief Justice Marshall "come those very great judges—Shaw of Massachusetts, Gibson of Pennsylvania, Miller of Iowa and Alvey of Maryland." In the course of his remarks Mr. Henry E. Davis gave credit to Maryland for the production of this remarkable jurist in the following language: "Had Judge Alvey been born elsewhere than in Maryland, had he been reared otherwise than under and in the midst of Maryland laws and Maryland institutions, in other words, had he been other than a Marylander 'bred in the bone,' he would not have been Alvey." He followed this statement with an analysis of the conditions peculiar to Maryland which have enabled this state, despite its small size and limited population, to contribute so uniquely and so brilliantly to the bench and bar of the nation.

Only little more than a quarter of a century has elapsed since the labors of Judge Alvey were concluded, and he found his last resting place in beautiful Rose Hill Cemetery of Hagerstown on a slight eminence commanding a view of the mountains he loved so well. Yet, notwithstanding the superb service which Judge Alvey rendered to Maryland as an Associate Judge of its Court of Appeals from 1867 to 1883 and as the Chief Judge of that

<sup>1</sup> Mr. Armstrong (1877-1939), Attorney-General of Maryland, 1919-1923, delivered this paper before the Lawyers' Round Table at Baltimore at the Maryland Club on February 3, 1934. It was edited and prepared for publication through the courtesy of the Honorable Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore.

court from 1883 to 1893, there has already arisen a new generation of Marylanders to whom even the name of Alvey has no familiar sound.

No biography of Judge Alvey has ever been attempted. Perhaps the day may come when some legal scholar will investigate his opinions, of which about three thousand are said to have been written, from a critical and analytical standpoint and, as a result of comparative studies, establish for him a definite place in the development of American jurisprudence. The records for such a praiseworthy undertaking will at all times be available. Time cannot and will not obliterate them.

It is not from this standpoint that I wish to discuss Judge Alvey's career. While recalling some of its landmarks and summarizing perhaps some of its achievements, I wish rather, before it is too late to do so, to record certain intimate glimpses of the man himself and to picture also the setting in which his home was established and maintained, his family was reared and a vast portion of his own remarkable work was performed. Only a few persons still survive who knew him intimately and enjoyed the opportunity of penetrating the veil of judicial aloofness which seemed constantly to envelop him and withdraw him from the ordinary activities of men. From them, and more particularly from his daughter, Mrs. Glenn H. Worthington,<sup>2</sup> has been gathered much of the material used in the preparation of this modest paper.

Judge Alvey was born March 6, 1826, in St. Mary's County to parents of English descent whose forebears had come to Maryland in the *Ark* and the *Dove* and whose families during the two succeeding centuries had consistently occupied positions of responsibility and distinction in that portion of the state. They were people, however, of limited means. Young Alvey received his early education in a school taught by his own father and later at Charlotte Hall Academy, whose old buildings were recently burned.<sup>3</sup> At the age of eighteen he left St. Mary's County never to return. While acting as Deputy Clerk in the office of the Clerk of the Circuit Court for Charles County, he studied law, prin-

<sup>2</sup>Mrs. Julia Alvey Worthington, wife of the Honorable Glenn H. Worthington (1858-1934), Chief Judge of the Sixth Maryland Judicial Circuit, died July 30, 1951.

<sup>3</sup>The old main building of the Academy burned in February, 1896. A new building was constructed shortly afterwards.

cipally at night in the office of Walter Mitchell, great-grandfather of the present president of the Maryland Senate, and in 1849, upon the motion of Robert J. Brent, then Attorney General of the State, who had become deeply interested in him, was admitted to practice in Charles County. He soon decided to look for a broader field as the scene of his future activities and a year later moved to Hagerstown. I often wondered why he selected Washington County as his new home. The Judge himself furnished the answer. After abandoning his first idea of emigrating to the West and acting upon the advice of his two friends, Messrs. Mitchell and Brent, he decided to investigate Western Maryland. He first spent several days in Cumberland but stated years later that he did not like the rough and tumble practice in which the legal profession engaged there. He determined to turn his attention to Hagerstown and then, using his own language, "I came, I saw and was conquered." I have no doubt that Mr. Brent played an influential part in the making of this fateful decision, as the Brent family were descendants of old Jonathan Hager, the founder of the town, and later became the owners of the proprietary ground rents. Mr. Brent was probably very familiar with that entire community and knew of the promising conditions then prevailing there.

Judge Alvey's legal training had been exceedingly meager. He therefore prescribed for himself a definite course of systematic study which he vigorously pursued for over three years while attending at the same time to such practice as came to him. This work, self-imposed, and most conscientiously discharged, laid the foundation of that wealth of legal learning for which Judge Alvey subsequently became famous.

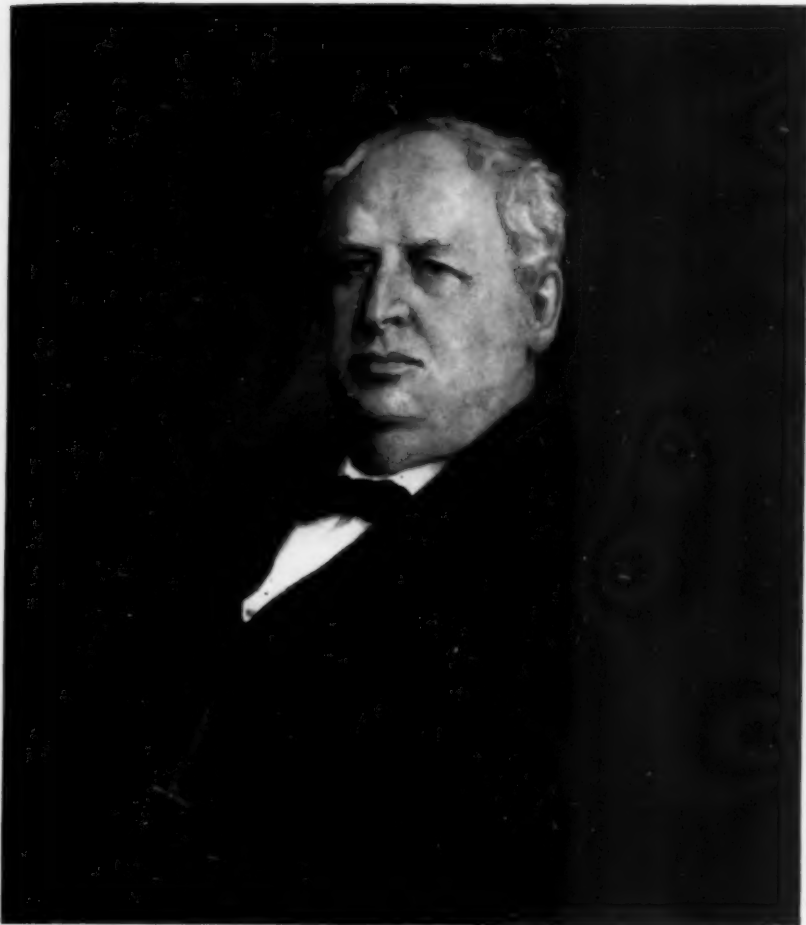
In developing a store of legal knowledge it is necessary, first, to learn exhaustively and then to remember accurately. Judge Alvey's memory was the marvel of all who knew him. Let me illustrate from a personal experience. In the summer of 1905, when I had been a member of the Bar for about eighteen months and City Attorney of Hagerstown for about a year, a great contention arose over the refusal of the City Council to confirm the Mayor's nominee for re-appointment as City Tax Collector. I was instructed to prepare an opinion on the right of this official to hold over for another year without confirmation and to present this paper three nights later. At the end of the second day the draft was

completed, but as the whole town was agog over the matter and great bitterness had developed, I felt the need of someone with whom I could confer. My own father was ill, and suddenly it occurred to me that possibly I might talk to Judge Alvey who had then retired. He received me most graciously, leaned back in his big chair, folded his hands over his capacious stomach and said, "Now, Alex, read to me what you have written." When I had finished, his comment was: "Why, that opinion is perfectly sound, what was it that caused you to worry?" I told him that there were sentences in the closing portion of the opinion in a certain Maryland case, naming it, which I could not reconcile with my conclusions. Then he smiled as he said, "Oh, I remember. Robinson wrote that opinion and he did use rather extreme language in portions of it, but in our conference we discussed the situation fully and as the opinion was all written and ready to be filed we thought it would do no harm, and so approved it. Don't let it trouble you." Judge Robinson had written that opinion just twenty-three years before.

In politics Judge Alvey was a staunch Democrat. He had come from a strong Whig family, but his convictions on all subjects never sprang from the prejudices of environment or the influences of tradition, but on the contrary were the result of his own personal investigations and analyses. The writings of Professor Tucker, which included a *Life of Jefferson* and were everywhere permeated by the principles of that great leader, powerfully affected young Alvey in his formative years and had much to do with his complete conversion to Democracy. One year after his arrival in Hagerstown he had the temerity to accept the Democratic nomination for State Senator against Judge French, an eloquent and well-known member of the opposing party. They toured the county together, making many speeches, and, to the surprise of all, the election resulted in a tie. In the special election that followed, Judge French was victorious by a majority of forty votes. This final outcome was a fortunate event for the people of Maryland, as it caused the brilliant young lawyer to forswear politics and to devote himself exclusively to his profession, except only when he was nominated as a presidential elector on the Pierce ticket in 1852. Contrary to the practice now prevailing, he took an active interest in the campaign, making speeches in every portion of the state, and was of course elected.

Another event gave him publicity throughout the entire state. After the election of Lincoln a great mass meeting was held in Hagerstown for the purpose of expressing formally the sentiment of the county on the question of secession. Mr. Alvey, then thirty-five years of age, was made Chairman of the Committee on Resolutions and brought in a minority report in which were proclaimed views believed by him to show proper loyalty to the Federal Government while denouncing the invasion of one state by hostile troops from other states. This report became famous as the Alvey Resolution and represented the political ideas of a great mass, perhaps a majority, of his fellow Marylanders. His frankly acknowledged opposition to the war made him a marked man, and as soon as a Union army reached Hagerstown on June 20, 1861, he was arrested at night by a military squad upon the unfounded charge of holding communication with the enemy and was thereafter confined, until February, 1862, in Fort McHenry, Fort Lafayette in New York and Fort Warren in Boston Harbor. One of his fellow prisoners at Fort Warren was Severn Teackle Wallis, destined to become one of his warm, life-long friends and one of the greatest of the many brilliant advocates who appeared before the Court, of which the then imprisoned Alvey was soon to become a member.

During the war Hagerstown was, of course, constantly on the firing line. The battle of Antietam was fought only twelve miles away in 1862. The following summer Lee's entire army, reorganized, well equipped and in high spirits, passed through the town on its way to Gettysburg, returning by the same route after its defeat. In 1864 McCausland spared the town upon the payment of a ransom of \$30,000, but burned Chambersburg, only twenty-two miles away, because of its failure to comply with his demand for \$200,000. Naturally passions ran high, bitter personal and family feuds were engendered, and it was difficult to remain unaffected by the conflicting tides of prejudice. Judge Alvey never permitted his own judgment to be warped by these factional differences, and it should be noted here that after the close of the war he was foremost in the movement which sought to return the privilege of franchise to all who had been deprived of it for various reasons connected with that great conflict. He was also the author of a reform measure which abolished the old and often fraudulently administered system of having juries



JUDGE RICHARD HENRY ALVEY

Photograph of the painting in the  
Maryland Court of Appeals Building, Annapolis

*Photo by M. E. Warren*



selected by the sheriff and conferred that duty exclusively upon the courts. First adopted for Washington, Frederick and Carroll Counties, the new law soon became universal throughout the state.

In 1867, at the age of forty-one, Judge Alvey was elected the first chief judge of the Fourth Judicial Circuit under the new Constitution and delivered the first recorded decision of the new Court of Appeals on December 17, 1867, in the case of "Robert J. Jump, Comptroller of the Treasury, vs. Thomas A. Spence," 28 Md. 2. Three days later his first dissent was registered. In 1882 he was re-elected and on November 13, 1883, was appointed by Governor Hamilton to succeed Judge Bartol as Chief Judge of the Court of Appeals.<sup>4</sup> Judge Alvey had been at one time a law partner of Governor Hamilton,<sup>5</sup> but it was not strange that two men of such strong convictions on every subject should find it necessary to sever their professional connection. Whether a personal enmity developed, I do not know. His daughter tells me that they always remained great friends. One writer states that Judge Alvey's advancement by Governor Hamilton was made "in response to a public demand which the reluctant executive could not dismiss." Governor Hamilton's son confirms the existence of the feeling which this statement indicates, but says that when his father was criticized by a political friend for this recognition of Judge Alvey, he replied: "I did not appoint an enemy. I appointed brains."

It is interesting to note here that although the Fourth Circuit has always been overwhelmingly Republican, its Chief Judge was continuously a Democrat from 1867 until the election of Judge Sloan in 1926.

There are very few now surviving who can recall the days when Judge Alvey sat at *nisi prius* in Hagerstown and the other county seats of his Circuit. It is universally conceded, however, that his presence on the Bench was magnificent. One gentleman said to me, "His superb head and his large body made me feel as I watched him on the Bench that he must be almost seven feet tall, and I was greatly surprised and disappointed when I saw him later in the Court House corridor to discover that the shortness of his legs made him a man of only average height." His searching eye and his complete preparedness to deal with every situa-

<sup>4</sup> James Lawrence Bartol (1813-1887).

<sup>5</sup> William Thomas Hamilton (1820-1888) Governor of Maryland, 1880-1884.

tion, without the slightest hesitation or effort, made him the absolute master of his court room. With a mere glance, he would quell the slightest disturbance. Woodrow Wilson, while lecturing to classes of from 500 to 600 students at Princeton, possessed the same power. Judge Alvey opened Court every morning at 9:30 o'clock, suspended for a half hour recess at 12:30 and adjourned finally and always promptly for the day at 3 o'clock without the slightest deviation, and during the sessions was never known to leave the Bench at any time for any reason whatsoever. He was patient and attentive during trials and arguments, but never permitted any unnecessary waste of time. In his early days at the Bar, he was said to have been very irascible and once flung a law book at the opposing counsel's head, but after going to Annapolis and by emulating the suave poise of Chief Justice Bartol, whom he greatly admired, he soon acquired a judicial pose of the highest quality.

On one occasion he sentenced a man to the penitentiary on an embezzlement charge for a term of two years. The prisoner's comment openly expressed was, "Huh, I could stand on my head for that length of time." The expression on Judge Alvey's face never changed. He merely said: "Mr. Clark, make the sentence five years." A son of Governor Hamilton told me of his first experience in Court after his admission to the Bar. "One day," he said, "a man was foolish enough to become my client. The case involved damage by trespassing cattle. I had carefully prepared my argument, but as I sat there, listening to my opponent and looking at the Court, Judge Alvey's head seemed to grow larger and larger, his eyes brighter and brighter, and when my turn finally came, all I could do was arise and say, 'Judge, you already know far more about this case than I'll ever know. Just go ahead and decide it.'"

In the spring of 1893, President Cleveland named Judge Alvey as the first Chief Justice of the newly created Court of Appeals of the District of Columbia. The appointment offered Judge Alvey a broader field of service, permanency of tenure of office and a salary increase from \$3,500 to \$7,500 per year. He accepted and on April 20, 1893, a meeting was held in his honor in the Court of Appeals Chamber in Annapolis, attended by members of the Bar from all parts of the state.

Judge Alvey retired from his last important office, which he

had greatly adorned, on December 30, 1904, because of failing health. He was then almost seventy-nine years of age. On this occasion also there was a farewell meeting of the Bar and as an emblem of their high esteem and affection, he was presented by the Bar of Washington with a silver service of five pieces upon a mahogany inlaid tray, now owned, in accordance with his wishes, by his daughter, Mrs. Worthington. During the eleven years of his life in Washington, he served, upon appointment by President Cleveland, as a member of the Venezuela Boundary Commission, lectured in the law school and acted as Chancellor of the National University of Washington.

Judge Alvey's name was frequently mentioned in connection with the Supreme Court of the United States. Just why he failed of appointment to that body will probably never be known to a certainty. The story was current in my younger days that it was due to the hostility of Senator Gorman. Mr. Gorman had been President of the Chesapeake & Ohio Canal Company. The petition for the appointment of a receiver of that corporation was filed in the Circuit Court for Washington County and was bitterly contested, many of the State's most brilliant lawyers participating in the trial. Judge Alvey decided for the plaintiffs and established the receivership, some form of which exists even today, thereby incurring the deep enmity of Senator Gorman. We always understood that Mr. Gorman notified President Cleveland that if Judge Alvey were nominated for a place on the Supreme Court, he would prevent his confirmation. Judge Alvey himself has furnished another explanation and probably the true one. He said that Maryland's Senator, E. K. Wilson, suggested Judge Alvey's name to the President as a possible successor to Chief Justice Waite, but the President, although a great admirer of Judge Alvey, as subsequent events demonstrated, replied that he was afraid that the country was not yet prepared to have a southerner made the Chief Justice of its highest court, and so Melville W. Fuller of Chicago was selected for the honor. On a later occasion, when another vacancy occurred in the Supreme Court, a telegram arrived in Hagerstown asking Judge Alvey to wire the date of his birth. I do not know what the age limitation then was, but the true date made Judge Alvey too old by a single month. He was urged to shift the time sufficiently to cover this

defect, but he replied: "I will not tell a lie even for a place on the Supreme Bench."

Despite the fact that for a period of over thirty-seven years Judge Alvey sat in courts located either in Annapolis or Washington, he never failed to return to his home in Hagerstown every Friday evening and to remain there until the following Monday morning. There his family life and family ties were always centered.

At the time of my earliest recollection, Hagerstown was a thriving little city of about eight to ten thousand inhabitants. Isolated by the mountains which raise themselves on the east and west, its people held little social or commercial intercourse with the rest of Maryland, finding it easier to deal with their Pennsylvania and Virginia neighbors who dwelt in the same valley, and were then served very efficiently by the old Cumberland Valley Railroad. Some of Hagerstown's main thoroughfares had been macadamized according to the old fashioned methods, but others were filled with mud in the winter and dust in the summer. The lamplighter still made his daily rounds and every now and then there would be presented in the old Academy a minstrel show, "Ten Nights in a Bar Room," or "Uncle Tom's Cabin." A return trip to Frederick by train required a whole day. A few of the ladies made semi-annual shopping trips to Baltimore, but most of them found it easier and cheaper to do their buying at home. The people, however, were happy, satisfied with their own simple manner of living and sufficiently influenced by the spirit of the South to extend always a kindly hospitality toward one another, as well as to the stranger who came within their gates.

I can illustrate our provincialism by a well-remembered incident of my early childhood. One summer Colonel Buchanan Schley and my uncle, Mr. William H. Armstrong, did an unprecedented thing by making a trip to Europe. When it was learned that they would return to Hagerstown on a certain evening a splendid reception was planned. The incoming train was met at the station by a great concourse of people and a parade was immediately formed which proceeded slowly along Washington and Prospect Streets to the home of Colonel Schley, which immediately adjoined that of my father. It was led by a band, and as both of the travelers were prominent members of local volunteer fire companies, the firemen participated in full regalia. Other

organizations were also represented in uniform, while the returning heroes rode in an open barouche drawn by two white horses. When the home of the Colonel was reached a huge circle was formed and, with torches burning brightly on all sides, there was first an address of welcome delivered by one of the city officials, and then each of the honored guests made a fitting speech in reply. These speeches must have compared Hagerstown rather favorably with London and Paris, judging from the applause and enthusiasm with which they were received. After three rousing cheers had been given for Colonel Schley and my uncle, the parade marched away again with the band playing, alternately, "The Star Spangled Banner" and "Home Sweet Home."

In politics, however, our people were enthusiastic Marylanders, participating in every election and watching with critical eye the two men, who more than any others, linked us with the activities of the outside world, Governor William T. Hamilton and Judge Alvey. Indeed, it was a unique distinction for Hagerstown to possess at the same time the Governor of the State and the Chief Judge of the Court of Appeals. They were our commanding figures—similar in many respects—both ardent Democrats, both self-made, vigorous-minded and possessing rare moral courage. The Governor, though an excellent lawyer and frequently appearing before the Court of Appeals, was essentially a man of the people and constantly associated with them on the streets of the town in every municipal enterprise and throughout the entire county, greeting all in his own rather rough but exceedingly hearty manner. Judge Alvey, on the contrary, gradually withdrew himself from outside activities and dedicated himself to the life of a student amidst the seclusion of his books. Both of these men were close friends of my father and were deeply admired by him.

Judge Alvey never left town on a vacation. Even in the summer when the courts had adjourned and the heat had become oppressive, the lights in his office were frequently burning. He often sat, however, with his wife on his own front porch and there seemed to enjoy thoroughly visits from his neighbors and friends who brought to him the local news and gossip, in which, up to the time of his death, he always exhibited the keenest interest. Although he never accepted a social invitation, and for over twenty years never even walked downtown except through an alley to take the Baltimore and Ohio train for Annapolis or

Washington and on one occasion to preside over a McKinley Memorial Meeting, nevertheless, through the newspapers which he read assiduously and through these friendly conversations, he kept himself familiar with every detail of the community life. When the lawyers called at his office to present papers for his consideration while he was still a Maryland judge, he always greeted them cordially, attended first to their business and then invariably smiled and inquired: "Well, what's the news downtown today?" And unless he got some news he seemed to be disappointed.

He was very fond of my father, who, until his own sons were admitted to the Bar, acted as his solicitor in connection with the making of his investments and looking after his local personal affairs. According to his daughter, he would frequently say, when he returned to Hagerstown for the week ends: "I wish Alex Armstrong would drop in. He always entertains me by telling me what's going on." I think my father must have made a mental note of events and amusing incidents as they occurred, so that he could satisfy this desire of the Judge for full information about home affairs.

Living in the three blocks of Hagerstown sometimes satirically referred to as "Quality Hill" were about sixty or seventy children, divided, of course, according to age, into many sets or groups. As Judge and Mrs. Alvey had ten children of their own, almost every set included an Alvey. In the interchange of visits in which youngsters instinctively delight, all of us had occasion to go frequently to the Alvey home, where we were made to feel very welcome. But we soon learned that these calls were most opportunely made when the Judge was discharging his official duties elsewhere. When the Judge returned, we knew without being told that it was then better for the Alvey children to visit us. I think I should make some mention of Mrs. Alvey, who was a dark-haired, dark-eyed lady, rather large but never stout, and who impressed us, as children, as being very stern and serious-minded and as one who seldom smiled. She was a splendid woman of culture and dignity, and admirable mother and a most devoted wife, and those of us who knew her in later years developed the highest regard and affection for her. She understood her husband's difficulties in working at home among so many children and humored and shielded him in every pos-

sible way. Her daughters have told me that never on a single occasion did they witness the slightest unpleasantness between their parents.

It was the Judge, however, who absolutely dominated his own household and so intense was his concentration on his work that, when engaged in the preparation of an opinion, he permitted nothing whatever to disturb his absorption. He would retire to his study and begin his preliminary investigation of the authorities. When a meal was announced, he would repair to the dining room, where profound silence was preserved until the Judge returned to his work. If he needed fresh air, he would walk, bare-headed, up and down a little porch in front of his office, usually with his hands behind him, and if he grew weary, he would lie down on an old couch in his office and go to sleep. As soon as he awoke, regardless of the hour, he would resume his labor. He never undressed and went to bed during such a period of concentration. This process of alternating meals, naps, walks and work was continued until the opinion was completed; then and then only did he resume normal modes of living.

With a single exception, to which I shall refer in a moment, he never enjoyed the assistance of a secretary. He never used a lead pencil. "All his opinions were autographic and written in the neatest chirography and with the slightest bearing on the pen, as though he wanted to be gentle and level and calm even with the instrumentalities he involved in the transfer of his thoughts to paper." His desk was always covered with a mass of papers and they in turn with a coating of dust, but as he himself always knew exactly where everything was located, he violently opposed any intrusion in the interest of cleanliness and the invasions of the dusting maid were always made with great caution and during the Judge's absence.

Judge Alvey's oldest daughter, Julia, inherited many of her father's mental qualities and also his aversion to disciplinary restraints. After one year at board school, at the age of seventeen, she prevailed upon her father to permit her to remain at home and study under his supervision. He assigned the courses of her reading and at regular intervals examined his pupil. The arrangement proved to be a great success and the daughter, now Mrs. Glenn H. Worthington of Frederick, feels certain that she learned more in one year under her father's tutelage than she could pos-

sibly have learned in any three years at school. At the same time she acted as her father's secretary, taking down in abbreviated longhand much of his dictation and making the final draft of many of his opinions. She tells me that her father had a most amazing fund of general information, and that there was scarcely any subject which he could not discuss with readiness and thoroughness. He was a constant reader of history and the classics, one of his favorite works being Froissart's chronicles of mediaeval history. Mrs. Worthington told me that on one occasion, when some family decision had to be made, Mrs. Alvey said to her, rather despairingly: "Julia, if you can only detach your father from his beloved *Chronicles*, perhaps we can get this matter settled." After his daughter had selected, as a husband, a gentleman who was also to sit in the Court of Appeals and to serve for fifteen years as an Associate Judge for the Third Circuit, Judge Alvey wrote to her in Frederick and told her that he missed her terribly.

We boys felt that Judge Alvey was a very severe father. We knew that he kept in his office a leather whip, which he applied vigorously to any of his sons who disobeyed his injunctions or committed any offence which he felt called for punishment. On one occasion two of his boys, Fred and Charlie, desired to go to a circus but for some reason permission was refused. Feeling deeply aggrieved, they filled their pockets with gravel which they caused to pass lightly and at frequent intervals through the open window upon the Judge's desk and perhaps also upon his massive expanse of bald head. The Judge apparently took no notice of these disrespectful attentions, but when his work had finally been completed, he instructed old Aunt Emily, the colored cook, reported to be the only member of the house of whom he stood in awe, to round up the culprits for him and thereupon he personally administered to each a flogging which it took them a long time to forget.

In spite of the Judge's flashes of anger and his displays of irritability, his daughter states that the chastisements of her brothers were usually deserved and were applied to them in the firm belief that it was needed to train them properly and that the Judge was really a wonderful father, solicitous at all times concerning the welfare of his children, interested in the things which for the time being interested them and endeavored, as far as his means

permitted, to give to all of them proper educational and social advantages.

Practically all of Judge Alvey's opinions were prepared in his own office. He constantly purchased new legal works as they became available and after his death Mr. Curlander stated that he had the finest private law library in the State of Maryland.<sup>6</sup> My younger brother's outstanding recollection of the Judge is that he was always reading the dictionary. It is true that he was constantly consulting that work, in his search for synonyms and finer shades of meaning.

When Judge Alvey took a position with reference to any matter, he seldom relinquished it. The following is an illustration of this quality. The second block of Prospect Street rose gradually from one end toward its highest point at which Judge Alvey's residence was located and then sloped toward the other corner. The City Fathers determined to cut off this crest, so that throughout the block the street would slope gradually from one corner to the other. Despite the Judge's intense opposition, the improvement, for such it really was, was carried out. All of the other property owners removed their fences and regraded and terraced the yards in front of their homes. Judge Alvey's house was closer to the street than any of the others and perhaps he had some justification for the course he pursued, but he alone, among all the residents of the street, constructed in front of his home a wall of highly-dressed native rock surmounted by an iron grill. Nowadays when visitors inquire why this wall was permitted to obstruct the otherwise unbroken stretch of lawn, we can only say that it represents the dissenting opinion of a celebrated jurist expressed in stone.

Judge Alvey was a large, full-blooded man and was exceedingly fond both of good food and good liquor. He frequently, after the English fashion, had two meats for dinner. A friend who dined with him one evening noticed that, although he partook heartily both of veal and ham stuffed in some way with spinach and also of other vegetables and a heavy dessert, he was able, within ten minutes after the close of his meal, to return to his office and resume his work without the slightest manifesta-

<sup>6</sup> Edward H. Curlander, a book dealer who has specialized in law books. Mr. Curlander purchased Judge Alvey's library and he has recently confirmed that this was one of the finest private libraries he ever purchased.—*Editor*.

tion of drowsiness. Food supplies, such as hams and flour, were always kept in the house in substantial quantities. Large orders of crabs from Southern Maryland were filled each year. Whiskey was purchased by the barrel and mint juleps were served as soon as the mint appeared in the spring and until the frost killed it in the fall. The Judge had a favorite concoction which he drank every Sunday exactly at noon, and the story is that, regardless of the demands of church services, one of the lady members of the family had to be home in time to mix that particular drink so that it would be ready when the clock struck twelve and the Judge, in an expectant mood, passed from his office to the dining room.

Among the outstanding social events of the year were Judge Alvey's receptions on Christmas and New Year's Day. No one was invited, but everyone was expected to attend. The Judge himself presided behind a table bearing a bowl of cold punch and the ingredients essential to the mixing of hot whiskey punch. His position enabled him to look down the hall and see all his callers as they entered the front door. The guests proceeded at once to the dining room, were greeted personally and cordially by the Judge who never left his chair and were then invited at once to partake of the liquid refreshments. If hot punch was desired, the Judge himself brewed it. In every case the Judge drank with each new guest or group of guests from eleven in the morning until about three in the afternoon, but neither on these occasions nor at any other time could anyone perceive that the liquor which he consumed had the slightest effect, except perhaps to bring a flush to his cheeks or to intensify the twinkle in his eyes.

Some mention has been made of the return of the Judge's daughters from church to prepare his Sunday drink for him. The Judge himself never attended church, but he cherished the deepest respect for all things religious. He himself was born a Catholic and remained one throughout his life, although he never insisted upon his children being brought up in that faith. He believed that such a decision should be made by each individual for himself. As a result all four of his daughters and several of his sons followed their mother into the Episcopal Church, while several of his sons became rather ardent Catholics. Frank, his second son, was at one time the head of the Knights of Columbus of Texas. The Judge always enjoyed the visits of Father Jones, one of the

resident priests of Hagerstown for many years, and was also a warm friend of Cardinal Gibbons.

As is frequently the case with strong, aggressive personalities, Judge Alvey was most expert in the gentle art of swearing and indulged this talent on so many occasions that as the years passed his proficiency increased rather than diminished. His daughter told me this amusing story. For a number of years a regular member of the household was the Judge's mother-in-law, Mrs. Hays, who having trouble in one eye, always carried a lorgnette with a single lens. One night the daughter in question accidentally set fire to the mosquito netting over her bed and cried loudly for help. The Judge came promptly to the rescue. "Now," as the daughter expressed it, "you know my father always wore night-shirts, very much abbreviated, but he was a very modest man and when he heard the familiar steps of Mrs. Hays approaching, he hastily concealed himself behind a curtain." The old lady arrived carrying her lorgnette and remained to indulge, as usual, in prolonged conversation. The patience of the jurist, tried so often on the bench, soon became exhausted and suddenly from behind the curtain came this outburst: "G— damn it to h—, can't a man walk around in his own house, in his own night-shirt, without being followed by his mother-in-law carrying a spy-glass?"

It is said that fools jump in where angels fear to tread. Certainly a dog once ventured to do what no mere man would ever have attempted. One morning in the old days when the Judge was just about completing his walk to the Court House and had reached the Court House pavement, this ill-advised cur selected the Judge as the object of his attention and from behind and without warning launched an attack against the calf of one of his robust legs. Many people were standing about. It was a critical situation, but the Judge promptly rallied, kicked his assailant into the gutter and then proceeded with great dignity into the Clerk's office. There among his intimates the flood gates of his profanity were opened and his outraged feelings found expression in one of the most scathing and eloquent denunciations ever administered to one poor dog. It has been suggested that if all the language used on this occasion could have been preserved, this dog would have ranked with Goldsmith's mad dog and other canines famous in literature. The Judge who was without his

glasses, looked back, discovered that his trousers were torn and seeing something red determined that blood had saturated his clothing. His fury redoubled and only was relieved when it was explained to him that the red which distressed him was merely the color of the flannel drawers which he habitually wore.

I feel that just one more dog story of a very different type should be mentioned. "Jack" Alvey—commingling collie and shepherd blood—though a mere dog was as well known to us as any other member of the Alvey family. He was a very religious animal and every time the Episcopal Church bell rang, he proceeded solemnly to the church about half a block away, went up the center aisle to the Alvey pew, found a place for himself and remained until the service had been concluded. But the great passion of his life was the Judge. Jack spent many hours lying quietly in the Judge's study, or, when excluded, just outside the study door. Every Monday morning, he followed the Judge to the Baltimore and Ohio Station and—here's the remarkable part of the story—every Friday evening when the Judge returned, Jack was on the station platform to welcome him home. He was never seen around the depot on any other evening.

One of the happiest experiences in Judge Alvey's life, I am sure, came to him in 1902 when Princeton University conferred upon him the honorary degree of Doctor of Laws. He and his wife attended all of the commencement exercises. Finally, on commencement morning, when in silken gown he was presented for his degree, although his associates included Nicholas Murray Butler and other national figures, his bearing was so full of modest, unassuming dignity and his personal presence so genuinely magnificent that he was easily the dominating figure of that brilliant company and won for himself a perfect ovation of tumultuous applause. The incident brought a thrill of pride to every Marylander in the vast audience, who knew how worthily that honor had been conferred.

During those final days of reflection and well earned repose which Judge Alvey spent in Hagerstown, he found much joy in the cultivation of flowers and with his usual thoroughness soon made himself familiar with botanical phraseology. He caused large beds to be dug out and filled with richer earth and while specializing in hyacinths, roses and phlox, developed a garden rich in the variety of its plants and the rareness of its beauty.

Some one once said of him, "When doubts on all public questions arose, the inquiry was made 'What does Judge Alvey say?' And what Judge Alvey said had the conclusive authority of an oracle." After his retirement, he occasionally made interesting observations on public problems. He had been a member of the Constitutional Convention of 1867 and Chairman of its Committee on Representation. In 1905 he expressed himself as being much opposed to the adoption of a new Constitution in 1907. He stated, however, that he did not believe that the needs of Baltimore City were met by the existing judiciary requirements of the Constitution, or that the Orphans' Court system, established by the Constitution of '67, had come up to expectations, but that necessary changes should be made by amendment.

Then came a day when judges and lawyers gathered from far and wide and every business house in Hagerstown was closed to pay a last tribute to Hagerstown's greatest citizen. The death of Judge Alvey brought to a close a golden era in the life of Hagerstown.

## THE POST OFFICE DEPARTMENT IN ST. MARY'S COUNTY IN THE WAR OF 1812

By ARTHUR HECHT

AN examination was made of the records of the United States Post Office Department, now in the custody of the National Archives, for information about its operations during the War of 1812 in St. Mary's County. This has brought to light twenty letters, a circular sent to the Secretaries of State, War and Navy, the names of three special agents,<sup>1</sup> and the identification of seventeen deputy postmasters who hitherto have not been mentioned in the publications and articles relating to the War of 1812 in Maryland. The correspondence shows that the General Post Office<sup>2</sup> recognized its responsibility of establishing faster and more frequent mail transportation to and from Southern Maryland. This area was the headquarters of special agents of the Postmaster General who submitted to the City of Washington continual reports about the invading British so that preparations could be made in the capital against surprise attacks.

In March, 1813, a British naval force under Admiral Sir George Cockburn moved from Lynnhaven, Virginia, up the Chesapeake Bay to blockade ports and harass the countryside.<sup>3</sup> The squadron divided at Point Lookout and reconnaissance detachments sailed

<sup>1</sup> Known as surveyors until designated by Postmaster General Joseph Habersham as special agents in 1801. During the War of 1812 they were actively employed in the defense of the capital.

<sup>2</sup> The Post Office Department was originally known as the General Post Office and was subordinate to the Treasury Department. As the office developed and grew in importance, it assumed the privileges and autonomy of a ranking administrative department and it was seldom challenged. The Postmaster General became a member of the cabinet in 1829, but it was not until June 8, 1872, that the office became known officially as the Post Office Department.

<sup>3</sup> William M. Marine, *The British Invasion of Maryland, 1812-1815* (Baltimore, 1913), Chaps. I, III, and Benson John Lossing, *The Pictorial Field Book of the War of 1812* (New York, 1869), pp. 668-689.

up the Potomac River. Artillery was landed at Point Lookout, and during April more than 2,000 enemy troops took possession of the six-mile area from the tip of St. Mary's County to Ridge.<sup>4</sup> The areas along the shores of the Potomac and Patuxent Rivers suffered great depredations by marauding British parties who captured vessels, burned houses, and robbed the people of St. Mary's County of their personal property. Four farmers named Benjamin Williams, Mordecai Jones, James Biscoe, and R. Armstrong were captured.<sup>5</sup> Many of the 6,000 slaves in the county escaped during the British forays.

After an unsuccessful excursion to the Cliffs of Nomini on the Virginia shores, the British approached the land along Mattoax Creek where they were driven off by Captain John R. Hungerford of the First Regiment with his light infantry company. For several days the enemy held possession of the islands of St. George and Blakistone. During the month of May British vessels sailed to the mouth of St. Mary's River and at St. Mary's Creek thirty barges of the enemy went ashore. Some of these proceeded up Smith Creek and continued their attacks against the inhabitants.

From the time the British landed the inhabitants of the eastern half of St. Mary's County fought the British with little or no military assistance from either the State or Federal governments. The Thirty-Sixth Infantry under Colonel Henry Carberry was removed from the county by the President. Brigadier General Philip Stuart, who commanded the Maryland State Militia in St. Mary's and Charles Counties, was ordered to keep his forces in Ann Arundel, Baltimore, and Calvert Counties. Both the Federal and State authorities were reluctant to maintain military forces on the several peninsulas of Southern Maryland where they could be cut off by the superior British forces. Moreover, all available military forces were needed to defend Washington, Baltimore, and Annapolis.

In Washington the Military Committee of the House of Representatives had reported that the British, though a few hours' sail from the capital, would not make a hostile expedition to the seat

<sup>4</sup> Ridge, or The Ridge, was the southeasternmost community of St. Mary's County where a post office had been established shortly before Dec. 24, 1800. Postmaster General Letterbook "K," p. 200.

<sup>5</sup> Williams, Jones and Biscoe are listed in the Third United States Census (1810). Niles' *Weekly Register* (July 31, 1813), p. 356, mentions R. Armstrong as one of the captured, but he is not in the Census although a John Armstrong is listed.

of the Government, and that the British intended only to blockade American ports and limit the kinds and quantity of exports from the United States. Postmaster General Gideon Granger did not believe this report and was kept regularly informed by his special agents of the activities of the invaders on the lower Potomac River. It was well-known in Washington that the capital was destitute of defenses against enemy raids.

Fort Washington (formerly Fort Warburton), the nearest defense outpost of the capital, was located about sixteen miles southeast of the capital and its defenses during July consisted of about twenty guns, eighteen thirty-two-pounders, a water battery of eight thirty-two-pounders, all advantageously placed.<sup>6</sup> General John Armstrong, Secretary of War, visited the fort and brought with him 600 regulars. William Jones, Secretary of the Navy, sailed to Fort Washington on the United States Frigate *Adams* with accompanying gunboats from the Navy Yard. Colonel James Monroe, Secretary of State, rode with cavalry patrols along the shores of the Potomac River (to Port Tobacco) with the intent of observing the approaching British fleet. These three cabinet members and many congressmen waited about six days for the impending attacks of the British. The enemy forces, however, never reached Fort Washington. The British realized the difficulty of attacking the capital of the United States during the summer of 1813; they cruised back to Chesapeake Bay after reaching a point sixty miles from Washington. Point Lookout was evacuated by them on August 27.

The following correspondence of Postmaster General Gideon Granger contains references to the British forces, to a few Americans who were suspected of giving aid to the enemy, to the establishment and operations of express mail service between St. Mary's County and Washington, and to instructions to special agents for observing and reporting British activities:

William Lambert Esq.<sup>7</sup>

March 24<sup>th</sup> 1813

You will please to proceed immediately to Port Tobacco, and after ascertaining the most suitable place for observation at Maryland point or Thomas's point, you will repair to that place, and during each day carefully watch with suitable glasses & note down what passes on the waters within the reach of your glasses, and send to this office by each mail a transcript

<sup>6</sup> Niles' *Weekly Register* (July 24, 1813), p. 340.

<sup>7</sup> Special agent.

of your journal,<sup>8</sup>—At evening you will employ a valet to keep a general lookout, and ascertain if possible, whether any and how many vessels pass down and up in the night, which on each succeeding morning you will carefully minute on the journal. Should there be any thing in the conduct of any particular vessel calculated to excite suspicion either from the frequency of her appearance, or the mode in which she is managed, you will watch such vessel with peculiar care gain the most perfect description of her, and by the first succeeding post inform this office of every circumstance even the most minute.—

In case any vessel or number of vessels having the indications of hostile intentions should meet your view you will carefully ascertain their size and number, and the number of boats accompanying the same, and also whether there are the appearance of many persons on board and all other things calculated to give us correct information and as soon as you can have put this information on paper, of which the precise time will be material part, you will dispatch a trusty man as an express to this office with directions to reach the same and deliver his letter in the least time and you will also furnish him with an open letter in the name of this office directing all postmasters contractors<sup>9</sup> and other agents of this office and soliciting all other persons to help forward the express without delay and in case of his inability to proceed to receive the letters of him, and forward them immediately—You will duly appreciate the importance of such information on the one hand, and the evils of a false alarm on the other—For your expences you will draw on this office, and you will be allowed for your service \$2.50/100 per day

G[ideon] G[ranger]<sup>10</sup>

A similar letter was written to special agent Henry Wertz, who was instructed to proceed to Point Lookout and to send information by another express to Annapolis and Baltimore.

To his deputies in Maryland Postmaster General Granger sent the following circular to facilitate the work of the special agents:

March 25, 1813

I have stationed Henry Wertz Esq. at Point Look Out on public service and whenever he orders an express to this office or to Annapolis Baltimore

<sup>8</sup> Not among the records of the Post Office Department or among records in the custody of the National Archives.

<sup>9</sup> Samuel Speake, from Washington (by way of Piscataway, Port Tobacco, Allensfresh, Newport, Chaptico, Leonardtown, Great Mills, and St. Inigoes) to Ridge. Samuel Speake, from Washington (by way of Upper Marlboro and Queen Anne) to Annapolis. William Stevens, Jr., from Upper Marlboro to Chaptico. Thomas Dixon, from Port Tobacco to Nanjimy. Lorman Crawford & Co., from Alexandria (by way of Georgetown, Washington, Bladensburg, and Elk Ridge Landing) to Baltimore. Baldwin and Holland, from Baltimore to Annapolis. Postmaster General Letterbook "R," pp. 149-158.

<sup>10</sup> Gideon Granger of Suffield, Connecticut, served as Postmaster General from 1801 to 1814.

as the case may be, I charge you to help forward the express with the greatest possible speed, and in case of his inability to proceed, to forward the packages he bears to their destination without the least delay. You will charge the expences to this office <sup>11</sup>

G G

To

Charles Burrell Esq. PM	Baltimore M <sup>d</sup>
Dennis M. Burgess Esq. P. M.	Upper Marlboro' M <sup>d</sup>
Matthias Clarke Esq. P. M.	Ridge "
Joseph Harrison Esq.* P. M.	Charlottehall "
William Hammett Esq. P. M.	Leonardtown "
Charles D. Hodges Esq.* P. M.	Queen Anne "
Rinaldo Johnson Esq.* P. M.	Acquasco "
William Jackson Esq.* P. M.	Nanjemoy "
David Koonen Esq.* P. M.	Piscataway "
John Munroe Esq. P. M.	Annapolis M <sup>d</sup>
John McCulloch Esq.* P. M.	Newport M <sup>d</sup>
James Swan Esq.* P. M.	Allensfresh M <sup>d</sup>
James F. Sotheron Esq.* P. M.	Benedict M <sup>d</sup>
Robert D. Semmes Esq. P. M.	Port Tobacco M <sup>d</sup>
William Farlton Esq.* P. M.	S <sup>t</sup> . Innigoes M <sup>d</sup>
Josiah Turner Esq. P. M.	Chaptico M <sup>d</sup>
Robert Young Esq.* P. M.	Nottingham M <sup>d</sup>

In the following correspondence a charge of treasonable activity is made against the owners and captain of the Schooner *Sydney*. This schooner had been issued a letter of Marque and was captured off Old Point Comfort by the British squadron March 9,

<sup>11</sup> The names marked by asterisks were evidently taken from obsolete lists of post offices and postmasters of the United States and were used to address this circular to the several deputy postmasters. The Records of Appointments of Postmasters, I, 108, 110, 112, 132, and 419; and II, 2, 10, 26, and 113, show that the following persons had been commissioned and served at their respective offices as of Mar. 25, 1813:

<i>Post Office</i>	<i>Deputy Postmaster</i>	<i>Date of Appointment</i>
Acquasco	Thomas R. Johnson	December 31, 1811
Allensfresh	Edward Twilier	May 11, 1811
Benedict	William Wheatley	August 28, 1811
Charlottehall	James Gardiner	January 1, 1812
Nanjimoy	Massey Simons	March 22, 1812
Newport	Matthew W. Courtney	June 29, 1812
Nottingham	George Armstrong	October 1, 1812
Piscataway	Richard C. Humphrey	August 3, 1812
Queen Anne	John Randall, Jr.	April 19, 1811
Saint Inigoes	Robert D. Semmes	November 30, 1812

James Munroe served as deputy postmaster at Annapolis from Jan. 9, 1811, to Jan. 23, 1823. Records of Appointments of Postmasters, II, 3, and IV, 4. Charles Burrell served as deputy postmaster at Baltimore from Jan. 24, 1800, to Oct. 1, 1818. Records of Appointments of Postmasters, II, 8.

1813. It is possible that the captain was forced to give supplies to the enemy.<sup>12</sup>

Henry Wertz Esq<sup>r</sup> near Ridge Md <sup>13</sup>— April 1, 1813—

I have received yours of the 29<sup>th</sup> Ult, and deemed the information of such importance as to transmit it to the Department of State.<sup>14</sup>

I have to instruct you to obtain and transmit to me the names of the Pilots <sup>15</sup> who have gone into the service of Britain, and such proofs of the facts as you can obtain. You will be at all times particularly vigilant, to detect those who are carrying on a treasonable intercourse with the enemy, whether by furnishing supplies or otherwise, and you will not fail to keep me informed of all passing events by every mail.

G. G.

Hon James Monroe, Secy of State

April 1, 1813

I inclose a letter of the 29<sup>th</sup> Ult. from Henry Wertz Esq. who I have stationed at Point Lookout to make observations and collection information from which it appears Luke Kersted and owners of the schooner Sidney, together with Thomas Coward the Captain on the 9<sup>th</sup> of March,<sup>16</sup> furnished

<sup>12</sup> John P. Cranwell and William B. Crane, *Men of Marque, A History of Private Armed Vessels out of Baltimore during the War of 1812* (New York, 1940), p. 396.

<sup>13</sup> This location may have been two miles west of present-day Ridge, at the fishing and crabbing community of Wynne from which there is an expansive view of the Potomac River.

<sup>14</sup> Nearly all of the correspondence received by the Postmaster General or the General Post Office was either destroyed in a fire in the Post Office Building on Dec. 15, 1836, or disposed of as useless papers under the act of 1881 and similar acts relating to the disposition of useless papers by executive departments. Report No. 134, 24 Cong. 2nd Sess. The letter from Wertz is not in the incoming correspondence (Miscellaneous Letters) of the Secretary of State now in the custody of the National Archives.

<sup>15</sup> M. V. Brewington, Assistant Director of the Peabody Museum at Salem, Massachusetts, in his article, "The Chesapeake Bay Pilots," *MDHM*, XLVIII (1953), 109-133, states that the State of Maryland has not preserved lists of pilots. In a letter of March 12, 1957, to the author of this article, Mr. Brewington states "There is a means, however, of ascertaining the names of the pilots who served on the British fleet in 1813. The Public Record Office in London has the logs of all vessels which were working in Chesapeake Bay. Along with the logs, there are muster rolls of the crews. When anyone was taken on board a British Man-of-War his name was entered on the muster roll so that the purser could account for food being dispensed. The logs would then show when and where pilots came on board and the muster rolls would account of each meal served to the pilot. If the men took any compensation for their services, the purser's books of the vessel would also show how much money was dispersed." It should be noted that during the invasion of St. Mary's County by the British it had been reported that two seamen in a pilot boat slipped out from Point Lookout to warn approaching American vessels of the blockade. Niles' *Weekly Register* (June 5, 1813), p. 228.

<sup>16</sup> Luke Kiersted was an owner of the privateers *Caroline*, *Fairy*, *Revenge*, *Saranac*, *Sydney* and *Tom*. Other co-owners of the *Sydney* were James Bett, Jr., and M. McLaughlin. The *Sydney* was commissioned Feb. 4, 1813. Thomas Coward was its captain when the *Sydney* was taken by the British on March 9. See *Men of Marque*, pp. 396, 403, 410.

the enemy in our waters with a cargo of flour and it further appears that several pilots from the neighborhood of the Ridge have gone into the enemys services at six Dollars per day each. I have instruced Mr Wertz to procure the names of these pilots and the proofs which go to substantiate the charge—

G G

William Lambert Esq. near Najemoy

April 1, 1813

Yours of the 28<sup>th</sup> Ult is received. Your arrangements are satisfactory. Mr Wertz has discovered some traitors in furnishing the enemy with flour, and also in the service of the enemy as pilots at six dollars per day. To the last class of traitors I did not in my instructions think to call your attention, for I could not have believed that any citizen could have been so lax to duty, as to teach the enemy how to pursue their course to our towns. Let me now intreat you to keep a vigilant eye over this class of citizens & to ascertain whether any who belong within the reach of your view are absent in unknown service—

G G

Henry Wertz agent G P Office, Point Look Out M<sup>d</sup> April 24<sup>th</sup> 1813

Sir Yours of the 19<sup>th</sup> is before me whatever depositions you can procure of aid given to the enemy I wish forwarded open to me and the expence will be allowed in your account but I cannot give you power to compell those who have knowledge to declare it. This belongs to a different branch of the Government

G Gr.

William Lambert Esq. Nanjemoy M<sup>d</sup>

May 8, 1813

I have been duely favoured with yours of the 2<sup>d</sup> I had frequently mentioned the importance of a vessel crusing in the river, to examine carefully every water craft passing up or down, and finding those employ'd to make discovery I forthwith applied to the Secretary of State & suggested the measure, he approved of it and assured me he would take measures to have it effected immediately—The enemy have burnt Georgetown & Frederick<sup>tn</sup> on the Sassafras, M<sup>d</sup>. An express has just arriv'd from Sandusky<sup>17</sup>—On the 29 Ult the enemy has attkd Gen<sup>l</sup> Harrison in Ft

<sup>17</sup> John Abbot, former deputy postmaster at Detroit, Michigan, was appointed postmaster of the Northwest Army Headquarters and special agent to the office on Feb. 12, 1812, at a yearly stipend of \$800 plus the "expense of horse feed while on the route establishing or improving the lines." Abbot was instructed to establish bi-weekly expresses on two routes: (1) from Fort Meigs (by way of Chillicothe) to Pittsburgh, and (2) from Fort Meigs (by way of Sandusky, Wheatboro, Huron, Black River, Rocky River, and Cleveland) to Pittsburgh. Therefrom, the mail route-proceeded to Washington. The two Ohio mail routes were used to send duplicate messages to the War Department. Postmaster General Letterbook "R," pp. 468-469.

Meigs & the attack continued till the express came from Huron May 3<sup>d</sup>—  
Issue unknown.<sup>18</sup>

G G.—

William Lambert Esq.. Nanjimoy Md

May 20 1813

I have yours of the 16<sup>th</sup> & you have my assent to your visiting this place

G G.

Henry Wertz Esq. Ridg. Md.

June 3<sup>d</sup> 1813

Yours of the 31<sup>st</sup> ult<sup>e</sup> are before me at present I cannot consent to your leavg your station for a day. You can arrange your rent by letter. I have this moment recom<sup>d</sup> you to Mr Cutts.<sup>19</sup> I fear the office is full.

G G.

On June 26, 1813, Postmaster General Granger notified Henry Wertz that Thomas Swan had been appointed to replace him. Swan was issued a set of instructions similar to those given Wertz.

Thomas Swain Esq.  
at St. Thomas Point  
near Port Tobacco Md

July 15, 1813

Sir

I have this moment received yours of the 13<sup>th</sup>. Last night I wrote directing you to proceed directly to Point Look Out Md immediately at the mouth of this River. Your present location arose from an error of mine. Do not fail to reach the situation as soon as possible— You have thirty dollars inclosed according to your wish— We hear the enemy are advancing towards us— Keep us informed on the subject and give an order to the expresses on the Postmasters for fresh horses

G. G.

William Lambert Esq  
Maryland Point Md

July 15th 1813

Sir

I have just received yours of the 4<sup>th</sup> & 11<sup>th</sup>. As you think the mouth of Nanjimoy Creek the most valuable station, I direct you to proceed there immediately. keep us fully informed by active expresses as we know the enemy are in the river in Great Strength

G G

<sup>18</sup> The siege at Fort Meigs lasted from April 25 to May 9 on which day the British withdrew by 10 AM. General William H. Harrison reported that a force of about 3,000 British and Indians had surrounded and attacked the fort. On the American side, 77 were killed and 196 were wounded before the fighting stopped. During the fighting both British and Americans visited each other's camps to see to the comfort and convenience of prisoners and to exchange them. *Niles' Weekly Register* (May 15, 1813), pp. 178, 190, 242.

<sup>19</sup> Richard Cutts, newly appointed Superintendent.

Mathias Clarke Esq.<sup>20</sup> Ridge Md

June 19—1813

I have this moment ordered a regular line of daily expresses<sup>21</sup> between this office and the Ridge post office passing down it will reach your office at 1.34 O. C. p. m. and coming to this office it will leave at 3 O. C. p. m. I request you on each day to drop me a line by the mail informing me of Interesting events, particularly of the state of our troops & of the motions and strength of the Enemy.

G G

Similar letters were sent to the following postmasters. The schedule of mail from their offices was as follows:

	<i>Departure</i>	<i>Arrival</i>
David Kooness, Piscataway	9:00 PM	6:30 AM
William Hammett, Leonardtown	5:00 AM	9:00 PM
Josiah Turner, Chaptico	4:47 AM	7:17 PM
James Swan, Allens Fresh	2:30	2:00 AM
Robert D. Semmes, Port Tobacco	12:30 AM	4:00 AM

Thomas Swan Esq. Point Lookout Md

July 19—1813

I have this moment ordered a daily express between this and the Ridge post office. It will leave that post office every day at 3 O. C. P. M. you will be careful on each day to send a letter for me at that office each day by 2. p. m. informing of every interesting event and reporting the state of things—

G G

Hon<sup>l</sup> John Armstrong Secty at War.

July 19—1813

I have this moment established a daily express, to leave this office 3 O. C. p. m. arrive at Head quarters at 7. O. C. p. m. tarry there *one* hour, then proceed to the Ridge near Point Look Out & reach there 2 O. C. p. m. 23 hours<sup>22</sup>

G G

<sup>20</sup> In 1810 Clarke was between 26 and 45 years of age with a family of 2 males under 10 years of age, 1 male between 10 and 16 years of age, 2 males between 16 and 26 years of age, 3 females under 10 years of age, and 3 females 45 years of age and over. He owned 3 slaves. Third United States Census (1810) for Maryland, St. Mary's County, Vol. IV, p. 207.

<sup>21</sup> Names of express riders may be located in local post offices or in the personal records of Gideon Granger in the Missouri Historical Society. For the period Apr. 1, 1811, to Dec. 31, 1813, the regular mail contract from Georgetown (by way of Washington, Palmer's Tavern, Piscataway, Pleasant Hill, Port Tobacco, Allens Fresh, Newport, Chaptico, St. Clement's Bay, Leonardtown, Great Mills, and St. Inigoes) to Ridge was let to Samuel Speake, over which route the mail was carried once a week for \$550 per annum. Postmaster General Letterbook "R," pp. 149-158.

<sup>22</sup> Niles' *Weekly Register* (May 22, 1813), p. 195, states that arrangements had been made for intelligence of the entry of the British in the Potomac to reach Washington in 22 hours. In addition to these official arrangements there were also hundreds of other reports coming to Washington from St. Mary's County.

A key <sup>23</sup> is inclosed which you will please entrust to such person as you think proper.

Hon<sup>bl</sup> James Monroe Secretary of State near Port Tobacco Md 19—July

I have this moment established a daily express between Point Look Out & this office. It leaves Ridge post office 3 p. m. reaches here 1:30 pm. It reaches Port Tobacco going East at 30 am past midnight & coming this way at 4. O. C. A. M.

G G

Hon<sup>bl</sup> W<sup>m</sup> Jones. Secretary of the Navy

G. P. office

July 21—1813

An express has just reached this office from Point Look out. My agent <sup>24</sup> writes July 20 9—A. M.

There are 2 schooners of About 12 guns each (not pierced for guns) and a large Transport Brig. which expect has troops, only between 20 and 30 discovered. These vessels are standing up the river. One of the Schooners from above at 6 p. M. of the 19<sup>th</sup> passed down the river & down the Bay, nothing in sight any way at Sunset of the 19<sup>th</sup>—

G G

Thomas Swan Esq Point Look Out, Md.

July 21—1813

I have received your 3 expresses of the 18<sup>th</sup> 19<sup>th</sup> & 20<sup>th</sup>. The information is highly important. The money you wish is ordered. You will write daily by our express & you ought to send a similiar letter to the Commandant <sup>25</sup> at Forts Warburton or Washington

G G

Hon<sup>bl</sup> John Armstrong at Head Quarters, near Washington

July 21—1813. Yesterday at 9 A. M. I rec<sup>d</sup> despatches by an express from my agent Thomas Swan at point Look Out stating that on Sunday the 18<sup>th</sup> at half past 4. p. m. a 74 gun ship and a 38 gun Frigate passed up the Potomack under full sail at 4. p. m. I rec<sup>d</sup> a second set of despatches from the same agent stating that on Monday the 19<sup>th</sup> at half past 2 p. m. one 74 gun ship, 3 Frigates, 1 large Brig, and 3 Topsail Schooners passed up the river under full sail. This forenoon I have rec<sup>d</sup> a further Express from Mr Swan with Intelligence that 2 Schooners with about 12 guns each and a large transport Brig which he believed had Troops tho he could only discover between 20 and 30 were standing up the river with a light

<sup>23</sup> By this time General Armstrong had arrived at Fort Washington. A key was required to open the portmanteau containing copies or digests of reports submitted by special agents to the Postmaster General.

<sup>24</sup> William Lambert.

<sup>25</sup> The earliest available post accounts of the Adjutant General of the War Department is dated Nov. 1813, when Captain Samuel Dyson was in charge of the Fort.

breeze wind, yesterday morning at 9 a m He further informs that 6 p. m, of the 19<sup>th</sup> one of the enemy's schooners came down the river and stood down the bays. Yesterday I examined a pilot who was sent as an express on purpose that he might communicate orally. He has been steadily at Point Look Out untill Sunday evening, and it appears from his statement that there are now in the river 6 seventy fours on 64 on Razee, 6 Frigates 3 Brigs of war, one heavy transport Brig, and 9 schooners. the 64 and 3 Frigates certainly full of troops the Transport Brig also believed to be. It is unknown whether there are extra troops in the others or not

GG

## SIDELIGHTS

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### DOCUMENTS RELATING TO THE COLONIAL TOBACCO TRADE

JOHN M. HEMPHILL, II

The magnificent collections of county records assembled in the Hall of Records at Annapolis since 1934 are a little-used source of valuable information on the tobacco trade of colonial Maryland.<sup>1</sup> The two documents given below are but samples from a single county, Anne Arundel, of the rich and varied evidence which may be found in these local court records concerning the tobacco trade.

With the Peace of Ryswick in 1697, a long war-time depression in the tobacco trade gave way to a period of unusual prosperity. Peace reopened old (and English diplomacy opened new) markets on the European continent for Virginia and Maryland tobacco, freight rates and insurance premiums tumbled from their war-time heights to more reasonable figures, and English merchants rushed to participate in the post-war boom in the tobacco trade. Ships, often scarce during the war, swarmed in the rivers of Virginia and Maryland, and the English merchants competed for the available crops of tobacco with high prices, plentiful supplies of manufactures and liberal credit terms.

Some of these English merchants were represented in the colonies by local agents, either natives of the region or Englishmen sent out under contract. These agents, known in the tobacco trade as factors, performed a variety of services for their English principals. They not only sold goods and bought tobacco but also collected debts and solicited consignments from planters who shipped on their own account. By the terms of their contracts the factors were usually enjoined from engaging in trade for themselves, but to supplement their salary they were often allowed, like the captains in the tobacco trade, to ship a certain quantity of tobacco on their own account.

The contract printed below was between two merchants of Exeter<sup>2</sup> and Thomas Carpenter, a young mariner willing to exchange his hazardous calling for less dangerous if no less arduous employment as a factor in

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<sup>1</sup> I am greatly indebted to Dr. Morris L. Radoff, Archivist of Maryland, and the staff of the Maryland Hall of Records at Annapolis for many courtesies extended over the course of the past six years. Circumstances have prevented much of this material seeing the light of print as yet.

<sup>2</sup> One of the small ports in Devon whose hardy seamen drove a thriving trade to America.

the tobacco colonies. He agreed to serve Daniel Ivy and Henry Arthur as their factor in either Virginia or Maryland for seven years or until they no longer had need of his services; they agreed to pay him an annual salary and to allow him to ship home each year a small quantity of tobacco on his own account. Carpenter was also given permission to return to England for a visit after four years in the colonies.<sup>3</sup>

As it turned out, Thomas Carpenter went to Maryland. In 1702, while he was still "faithfully duely & honestly" complying with his agreement, Carpenter received a letter from his surviving employer, Henry Arthur, who was then in London.<sup>4</sup> Arthur ordered his factor, before returning to England, to present his accounts and to turn over any effects of the concern which remained in his hands to Thomas Bale. During the winter of 1703-04, Thomas Carpenter, who intended to return to England with the next homeward bound tobacco fleet, complied with Henry Arthur's instructions. He left behind him uncollected debts to the value of thirty pounds, fifteen shillings and eleven pence, five barrels of train oil, sixty-two pounds of whale bone and one gun.<sup>5</sup>

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Articles Indented had made & Agreed on this fourteenth day of January Anno Domini Sixteen hundred Ninety Seven Between Daniel Ivy & Henry Arthur of the City of Exon M<sup>r</sup>chants of the one part & Thomas Carpenter of Alington in the County of Devon Mariner of the other part.

Imprimis the said Thomas Carpenter of his own Accord & with the Advice & Consent of his Relations Doth hereby Covenant Promise & oblige himself to & with the said Daniel Ivy and Henry Arthur well & faithfully to serve them in Quality of their Agent or Factor in Virginia or Maryland during the full term or time of Seven Years to Comence from the day of the date hereof If the said Daniel Ivy & Henry Arthur or either of them shall so long Live & think fitt to Continue him in their Employment & Service And that he will from time to time & at all times during the sd Term demean himself in all poynts as becometh a true & faithfull Diligent & Industrious Serv<sup>t</sup> in observing & Executing their Ord<sup>r</sup>s & Instrucons & promoting their Interest & Advantage to the Uttmost of his power Skill & Ability And will render them a true & faithfull Acco<sup>t</sup> of all the Concernes Goods M<sup>r</sup>chandizes Mony & Debts which they or their Agents or Factors shall from time to time Comitt or Consigne to his Care Trust or Management together with the Just ballance thereof And will Deliver up & Assigne [ov]er to any Pson or persons who shall be by them appointed & Authorized to Receive the same all Goods Mony Outstanding Debts & Effects whatsoever to them in any wise belonging or appertayning when & as often as he shall be thereunto required And that During the time or term afd he will wholly & solely

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<sup>3</sup> Anne Arundel County Deeds, Liber W. T. No. 2, pp. 119-121.

<sup>4</sup> *Ibid.*, p. 121.

<sup>5</sup> *Ibid.*, pp. 121-123.

imploy himself in & about the Management of their affaires & will neither Directly nor Indirectly Trade or Traffique for his own or any other Psons Accot whatsoever The Liberty for himself Granted by these Prsents only Excepted (that is to say) for the first Year to send home for his own Accot & Risque to be Consign'd to the sd Daniel Ivy & Henry Arthur upon Freight & to be by them Disposed of for his Most Advantage One Tonn or four hogsheads of Tobo the Second Year two Tonns the third Year three Tonns the fourth Year four Tonns the fifth Year five Tonns the Sixth Year Six Tonns & the Seventh Year Seven Tonns of Tobo And in Consideration of his Faithfull Service to be perform'd as afd the said Daniel Ivy & Henry Arthur do hereby Covenant promise & oblige themselves to & with the said Thomas Carpenter to allow satisfy & pay to him or his order for the first Year that he shall so serve them as aforesaid The Sume of twenty pounds Sterlg The Second Year thirty pds the Third Year forty pounds the fourth Year fifty pounds the fifth Year Sixty pounds the Sixth Year Seventy pounds the Seventh Year Eighty pounds Sterlg or pro Rato or in proportion for the time he shall so serve them as aforesaid He finding to himself Meat Drink Cloths washing & Lodging at his own proper Charges And that they will render him a Just Accot of the Tobo that he shall from time to time Consigne them & will make Good the produce when Recd as he shall ordr And that they will Pmitt the said Thomas Carpenter to returne into England for one Voyage during the Concurrence of the said Seven Years as will best Suite wih their Occasions after he shall have served them four Years in Virginia or Maryland aforesaid And for the true Pformance of these Articles mutually Agreed on as aforesaid The partys whose prsents have Interchangeably Sett their hands & Seals the Day & Year first abovewritten Seald & Delivered in Prsence of Tho:Bale Saml Roper Michael Mudd[,] May ye 15th 1704.

HENRY ARTHUR  
DANIEL IVY

In the spring of 1710, when the second of these documents was written, the tobacco trade was again in the depths of a wartime depression. Eight years before, the ambitions of Louis XIV to place his grandson on the throne of Spain had plunged Europe into a bloody and lengthy war in which England, Holland and some of the States of the Holy Roman Empire fought to prevent a permanent family compact between the rulers of France and Spain.

As usual the war brought depression to the American tobacco colonies. Ships became scarce, freight rates doubled and insurance premiums soared. The English merchants, unable to sell their tobacco in some of their continental markets, restricted their purchases in the tobacco colonies, sent out fewer shipments of supplies and curtailed the credits which they were accustomed to grant in better times. The tobacco planters, however, who were in no position to substitute another crop for tobacco, endeavored to

make up for their reduced profits by increasing their shipments of tobacco to Great Britain. The result was disaster. The British tobacco merchants' warehouses became glutted with unsaleable tobacco, and the value of tobacco in Virginia and Maryland fell so low that many planters were forced into other forms of husbandry. In England the price of tobacco fell so low that the shipping charges and customs duties on a planter's shipment often exceeded the proceeds from its sales.

In these circumstances the British tobacco merchants protested any bills of exchange drawn against unsold tobacco, refused to extend any more credit in the tobacco colonies and tried frantically to repatriate their assets. The following letter of John Hyde, one of the leading London tobacco merchants, written on the first day of the year 1710, Old Style, illustrates many of these points.\*

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Annapolis [London] the 25<sup>th</sup> March 1710

Mr Lewes Duvall

Sr

I received your sundry Letters dated in May June and September Last and note the Contents: have alsoe recd your Twenty two hoggsheads of Tobaccoe P Fish; Harvey Burbydge; Wasson and Hollyman : all which are unsold : nor Cann I give you Incouragement to expect much for them our Marketts for Tobaccoe are soe very Dull and noe prospect of much amendment as yett; I will Endeavour to take the best opportunity; I cann for the Sale of them Soe that very Little Cann be depended upon for the paymt of bills for which reason I have not Honoured yours notwithstanding both Mr Carroll and you advise me that you have Lodged a Security for repaying me; But Mr Carroll knows very well that I have such Sumes of money already due to me in Maryland which I cannot gett in that I am not willing to runn any further; Except Trade had a better prospect then it has at present; Soe that you must Excuse my not Complying with your request; at this times things are soe Strangely alter'd : that till please God to send us peace I doe not Expect it will be better—Inclosed is your account Currant; which doubt not but you will find right and am—

Your Friend & Servant

JOHN HYDE

[Endorsed] Enrolled December 23<sup>d</sup> 1710

Robert Hall C/

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\* Anne Arundel County Deeds, Liber PK (1708-1712), p. 310.

## REVIEWS OF RECENT BOOKS

*The Cultural Life of the American Colonies 1607-1763.* By LOUIS B. WRIGHT. New York: Harper & Brothers, 1957. xvi, 292 pp. \$5.

Louis B. Wright, Director of the Folger Shakespeare Library in Washington, D. C., is widely known for his popular and scholarly books on American colonial history. In the course of a distinguished career as a teacher, editor, and librarian, Dr. Wright has written extensively and entertainingly on almost every aspect of early American society and thought. Now, in the volume under review, he provides an excellent synthesis, summarizing in some 250 pages the main currents in the cultural and intellectual life of the American colonies from the founding of Jamestown to the eve of the Revolution. In this period, scholars are no longer likely to discover much that is new or unknown, but readers already acquainted with, or desirous of avoiding, the familiar story of colonial political life will find the Wright book different and rewarding. Like other volumes in the New American Nation Series, edited by Henry Steele Commager and Richard B. Morris, the present work contains a full bibliography and careful index.

Americans living in today's industrialized and urbanized society can hardly appreciate the extent to which their ancestors were bound to the soil. Agriculture molded colonial life and thought. In the words of the author, "At the beginning of settlement and for many generations thereafter, agrarian society and the leadership that an agrarian society developed played a paramount part in the civilization of North America." But an agrarian, frontier way of life did not mean that early Americans were condemned to eking out a bare subsistence. "In contrast to the Old World, the colonies offered the poor man who was industrious and thrifty the opportunity of acquiring land and a house of his own." Along with such material advantages went the boon of a free social and political system. "From the beginning, American society was flexible and fluid. Nowhere did society harden into a caste or even into rigid classes."

Social classes did, of course, develop in America, and a native aristocracy gradually assumed leadership, but both wealthy Virginia planters and New England merchants were "working gentlemen," disciplined by the notion of the dignity of labor. In the South, however, slavery by the close of the seventeenth century was providing greater opportunities for the rise of a cultivated, semi-leisure class. William Byrd II of Westover, Virginia, was unusual, but not unique, in the range of his cultural and intellectual interests. In New England, where merchants and farmers were generally too busy for cultural pursuits, only the Puritan clergy

maintained intellectual standards comparable in quality to those of the planter class. But the growing town life in the North did provide greater institutional facilities for things of the mind. The zeal for education, furthered by public support, was more widespread in New England than in the South, and Harvard College was clearly superior to William and Mary.

One of the great advantages of colonial culture was its diversity. America early became a melting pot of races and religions, each contributing its particular customs and distinctive ways. The responsibility that almost all groups assumed in regard to education was partly a means of preserving and encouraging their own cultural characteristics. Although religious intolerance waned, toleration and understanding were never synonymous with indifference to moral and intellectual values.

In books and literature the tradition and example of England dominated, and Boston by the close of the seventeenth century was second only to London as a center of the book-sellers trade. A number of the colonials amassed excellent libraries—William Byrd II, Cotton Mather, and James Logan each having collections of more than three thousand volumes. The major towns along the seaboard established subscription libraries. Although the books were mostly Old World classics, colonial authors were by no means non-existent. Most of their works fell into the classifications of history, personal narrative, and theology. Often dull reading today, a surprising amount of colonial literary production has, however, endured, and the two major American intellectual figures of the mid-eighteenth century, Jonathan Edwards and Benjamin Franklin, are still much admired for their writings.

In many of the attributes of cultural life, the colonies could not hope to compete with the older civilization of Europe, but in architecture and the decorative arts colonial taste was outstanding. Almost everywhere in the colonies there was prejudice against the theatre, but Wright refutes the notion that New England Puritans had no appreciation of music.

Perhaps the most important contribution of the American colonies to general culture was the stimulus that the New World offered to scientific observation and speculation. European curiosity about the flora and fauna of North America was keen, while American scientists made noteworthy additions to knowledge in the fields of botany and astronomy. Philadelphia, the home of John Bartram, David Rittenhouse, and Benjamin Franklin, was a center of scientific interests, but almost all colonial men of learning had a considerable broad understanding of science.

Not yet prey to the demands of modern specialization and professionalization, an educated man in the colonial era was better able to comprehend and contribute to his culture than is the case with his later-day descendants. By present standards the newspapers and modes of communication in colonial times were hopelessly inadequate, but the quality of thinking was high. Moreover, there was a sufficient inter-colonial cooperation and communication after 1763 to make possible the success of the American Revolution.

A volume so modest in size, covering so large a period of American

history, cannot be expected to be all-inclusive. The chapters, topical in nature, treat every major aspect of colonial culture, but perhaps something more could have been said regarding the role of women and Negroes. Also, some readers may feel that the topical organization makes it difficult to gain a picture of early American life in terms of its growth and development. Yet, nowhere else can one conveniently find the history of colonial culture related with the scholarship and literary skill displayed in Mr. Wright's fine volume.

ARTHUR A. EKIRCH, JR.

*American University*

*The German Language Press in America.* By CARL WITTKE. Lexington: University of Kentucky Press, 1957. vi, 311 pp. \$6.50.

Professor Wittke paraphrases Voltaire by stating that if at the time of some national emergencies a foreign-language press had not existed it would have been necessary to create one. In the ten-year span beginning 1846 three million immigrants arrived in the United States and by far the greatest number came from Germany. Since most of the new arrivals did not read English it was only through their own language that they could be informed about conditions and political questions in the United States and thus become assimilated. The most famous among the German immigrants who is now ranked among American statesmen, Carl Schurz, in a speech before the press club in New York stated the purpose of the German language press to be as follows: it is to interpret America to those who cannot yet read English; to keep the German element informed regarding intellectual development in Germany; to promote understanding and cooperation among the Germans in the United States; and to teach German immigrants how hospitable and unprejudiced the United States has been toward the foreign-born, welcoming the stranger with "open-handed generosity."

It was Benjamin Franklin who in 1732 founded the first German-language paper in America, the *Philadelphische Zeitung*; to be sure it turned out to be a short-lived and unimportant publication. Much more successful was Christopher Saur's weekly founded in 1739 and claiming in 1751 a circulation of four thousand. As time went on other newspapers were founded wherever there were German immigrants in large numbers until in 1890 (the high point for German-language publications) they numbered 800. The widest known and in many ways the best edited is the *New Yorker Staatszeitung* founded in 1834 and continuing down to the present time. In 1872 its circulation reached 55,000 and the owners claimed this was the largest of any German paper in the world; this is plausible in view of the fact that many Europeans read their papers in cafés rather than spend money for an individual subscription. In 1868 a young Hungarian immigrant, Joseph Pulitzer, joined the staff of the St. Louis *Westliche Post*; in the course of time he rose to become part owner

and in 1878 he bought the *St. Louis Post-Dispatch*—the beginning of a famous newspaper dynasty.

The unsuccessful German Revolution of 1848 forced thousands of idealists who had fought to democratize and to unite Germany to flee their fatherland and to find refuge in the United States. For the university-trained men among their number the most promising field in their adopted country was journalism. Professor Wittke entitles the chapter dealing with them *The Forty-eighter Renaissance* and states that in two centuries of German immigration no other group has made such an impact upon the United States as the few thousand political refugees of 1848. After the tragic failure of their efforts at political activity in Germany their ardor for the struggle for freedom found a ready field in the United States. In the controversy over Negro slavery, states' rights and sectionalism—the chief issues of the eighteen-fifties—the new arrivals after 1848 saw questions of basic human rights. They aroused their previously non-political readers into political thinking and guided them into the newly-formed Republican party. The German editors were extremely active at the Republican Convention in Chicago in 1860 where they put a "Dutch plank" into the platform and later in the election campaign that brought Lincoln to the White House. How highly Lincoln thought of the importance of the German vote is shown by the fact that he bought a Springfield, Illinois, German paper and used it during the campaign as an organ for enunciating some of his policies. After the election he showed his appreciation of the German editors by appointing a considerable number to consular and other political posts. Further evidence of their assimilation in the American melting-pot is the record of the German element in the Civil War.

Professor Wittke states that if there had been no War of 1914-18 the German-American hyphen would probably have disappeared in a reasonably short time. But the War was responsible for the most difficult and humiliating experiences which any immigrant group has ever had in the long history of American immigration with the possible exception of the Japanese-Americans in World War II. Excited Americans became convinced that everything of German origin somehow must be treasonable. In October, 1917, Congress enacted the first law in our history for the specific control of the foreign language press. But though the foreign-language papers were under censorship, not one German paper was suppressed during the War. There is no evidence that the German language press was ever controlled from abroad; on the contrary, Professor Wittke states that German censors at times forbade the circulation of U. S. German papers in Germany because of their critical attitude toward German institutions.

This history of the German language press is an interestingly written, scholarly account of a phase of immigration, a field in which Professor Wittke is an authority as his half dozen previous publications attest. The addition of a bibliography would have improved the book. To be sure, the author cites his numerous sources in footnotes very often, for example, Dr. Dieter Cunz' *The Maryland Germans*. The first citation is complete

but if an interested reader finds this item on page 203 he must leaf back page by page to page 29 until he finds the name of the publisher from whom he can buy the book.

A. E. ZUCKER

*University of Maryland*

*Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties.* By JAMES MORTON SMITH. Ithaca: Cornell University Press in cooperation with the Institute of Early American History and Culture, 1956. xv, 464 pp. \$5.

By now James Smith's book, *Freedom's Fetters* is already known as the volume with the humorous dedication: "For my wife: The Power behind the Drone." But the book thus stimulated by Mrs. Smith is worthy of attention and praise for its scholarly merit and solid accomplishment: henceforth no one can properly claim to know much about the Alien and Sedition Acts of 1798 without having carefully read *Freedom's Fetters*. Here, at long last, is an authoritative and reliable study of an important topic that has obvious political relevance for those concerned today with the problems of freedom and toleration in the face of a foreign threat and possible internal subversion. When we ponder the questions of liberty and censorship, politics and patriotism, and respect for constitutional rights even if accorded to opponents of such rights, then we can gain some solace and wisdom from the knowledge that these are not new issues. Unhappily our political mistakes are not new either.

The political eruption known as the Alien and Sedition Acts were measures aimed ostensibly at American security in the likely possibility of war with France after "the XYZ affair." Actually there were four separate pieces of legislation, not all of which were partisan or politically inspired. First there was the Naturalization Act of June 18, 1798, which raised from five to fourteen years the period of residence required for American citizenship. This law was aimed at French immigrants who were now potential enemies within the United States. But such immigrants also had shown a tendency to ally with Jefferson's Republican party, and delaying the time when they might vote the Jefferson ticket was clearly in the interest of the Adams Federalists. Since Swiss-born Albert Gallatin managed to secure an exemption for aliens already resident in the United States, the immediate political impact of this act was slight. Indeed, Dr. Smith points out that both political parties had favored similar restrictive legislation before: the Federalists hoped to exclude radicals and revolutionaries from France, and the Republicans wanted to reduce the impact of *émigré* aristocrats who might join the Federalists. Even in 1798 no one party enjoyed a monopoly of political virtue.

Less attractive was the second measure, the Alien Enemies Act, which authorized the President in wartime to arrest or banish enemy aliens. This was a permanent statute, and Dr. Smith demonstrates that this had

bipartisan support and was not simply a Federalist device against the French. After all, the Republicans could conceivably employ such powers against English aliens who normally allied with the Federalists.

However, the two remaining acts were much more partisan in character, and in Dr. Smith's opinion were morally and even legally inexcusable. The Alien Act gave the President broad powers to deport any aliens considered dangerous to the national peace and safety, and the Federalists made little effort to deny the arbitrary nature of this law. Alexander Hamilton, an alien from the Danish West Indies, ventured the opinion that "the mass [of aliens] ought to be obliged to leave the country," and only qualified this assertion by urging no violence or cruelty to the merchants. Apparently, notes Dr. Smith, Hamilton could easily ignore his own origin and saw nothing wrong in uprooting peaceable aliens and deporting them. Happily this act was not implemented, although President Adams did sign several blank warrants in case of need. Jefferson's disgusted comment that this was "a libel on legislation" was ignored in the clamor and national fear over the threat of war posed by the French.

It was with the same emphasis on national security that the Federalists urged the final and most controversial of these laws, the Sedition Act. This Dr. Smith regards as a bald effort to muzzle all political opposition to the Adams administration by labeling such criticism as tending to ridicule the government and aid the enemy in the process. Again this stragem has its modern proponents who denounce their critics flatly as communists. Some Federalists were frank in their interest in the Sedition Act, admitting it to be a superb device for destroying their political enemies, whom they called "heralds of calumny and apostles of insurrection." One common misconception is discussed in this connection by Dr. Smith: Alexander Hamilton is frequently thought to have opposed the Sedition Act, and is often quoted as saying "I hope the thing may not be hurried through. Let us not establish a tyranny." Actually, as Dr. Smith properly explains, Hamilton's opposition was not based upon the issue of freedom of speech, but from fear of creating Republican martyrs by too extreme a penalty for those convicted of sedition. An early Federalist version of the Sedition Act contemplated enforcing a death penalty for those "aiding or comforting" France, and Hamilton was speaking against this as going a little too far. He was in favor of the heavy fines and prison sentences that were substituted in the final form of the act.

The last sections of *Freedom's Fetters* are concerned with the enforcement of these Alien and Sedition Acts, and include the famous episode of one Luther Baldwin and his impious hope that a cannon ball might penetrate President Adam's posterior (which expressed hope cost Baldwin one hundred and fifty dollars in fines). The coverage extended to judicial (but partisan) enforcement of the Sedition Act is exhaustive and sometimes exhausting, and includes a discussion of the political impact of such developments on the 1800 elections. However Dr. Smith makes the rather strange and arbitrary omission of the principal response made by

Jefferson and Madison in their Kentucky and Virginia resolutions. Having confined the present volume to the Federalist measures of 1798 and their enforcement, it is the author's avowed intention to devote a second volume to the reaction against "this repressive legislation." This plan serves to stimulate the reader's appetite, but it would seem to make for an awkward organization of material. Already in this current volume Dr. Smith has been obliged to discuss at length certain aspects of the political reaction to the Alien and Sedition Acts, and the logic behind his organizational division seems somewhat obscure.

In conclusion, it must be stressed that *Freedom's Fetters* is a major event in historical scholarship. The scholarship is excellent, the contribution definitive. The latter adjective usually signifies that a work is inclined to be detailed, accurate, and dull: *Freedom's Fetters* generally fits this description. Dr. Smith has dismissed an earlier study in his field (Miller's *Crisis in Freedom*) as "a brief, popular survey which stresses readability over analysis." It is regretted that he has almost reversed this criticism by emphasizing detail and analysis over readability. The quiet humor that this reviewer associates with Jim Smith in person is sadly missed in his book, despite the auspicious dedication. The few light touches that are present in *Freedom's Fetters* derive mainly from Republican taunts at the Federalists, taunts which amuse and instruct in the bitterness of partisan politics in the 1790's. When we read Bache's description of President Adams as "old, querulous, Bald, blind, crippled, Toothless Adams," we can better understand the Federalist inclination to gag the critics with whatever device was handy. It must be conceded that Dr. Smith writes from a strong Jeffersonian bias which makes objectivity towards the Federalist viewpoint sometimes difficult of attainment. It is too tempting to apply today's occasional standards of tolerance to an age only yet groping towards such ideals, and the Federalists do not emerge with quite the sympathy and understanding that greater impartiality might bring them.

H. TREVOR COLBOURN

*The Pennsylvania State University*

*Tidewater Maryland Architecture and Gardens.* By HENRY CHANDLER FORMAN. New York: Architectural Book Publishing Company, Inc., 1957. 208 pp. \$10.

Dr. Forman has written this book about old Maryland houses as a sequel to his earlier and well-known *Early Manor and Plantation Houses of Maryland* to "take up the challenge to gather and preserve this ancient and priceless material before it is forever lost."

The introduction explains some long forgotten room designations of early times and continues with an elaborate and involved explanation of historic periods and concludes with a gratuitous reminder of the copyright laws and a warning against unauthorized use.

The houses discussed are taken up in groups according to geographical location—the lower and upper Eastern Shore, Southern Maryland, the upper Bay counties and Baltimore. A non-objective text is interspersed with historical and explanatory data, numerous photographs and diagrammatic sketches by the author who gives every evidence of a deep interest in his subject and a determination, as far as he is able, to arrest the fast process of disintegration and destruction that besets our architectural heritage.

The work might constitute an agenda for a program for the Society for the Preservation of Maryland Antiquities, with the proviso that looking backward is the hallmark of stagnation and that conservation where the need no longer exists is fruitless. Admirable as is the preservation of such houses in Maryland as the Hammond-Harwood House in Annapolis and Hampton in Baltimore County we can not continue to create museums. Our early houses were built to be lived in and any other use lessens their interest and value. "Genesar" on the Atlantic Ocean is all that Dr. Forman claims for it except that it lacks the practical present day appeal as a family residence. Such houses will inevitably be discarded and sloughed off. The pattern of decay starts with a use other than that at first planned and preservation is only successful if that use can be revived.

The book points a need and will certainly be of interest to all who feel that the more we comprehend the past the better we apprehend the present.

JOHN H. SCARFF

*The Years Between, A Chronicle of Annapolis, Maryland, 1800-1900.* By CLARENCE MARBURY WHITE, SR. and EVANGELINE KAISER WHITE. New York: Exposition Press, 1957. 159 pp. \$3.

Annapolis is one of the best documented cities in the country as far as its brief "Golden Era" (1750-1800) is concerned. But, for lack of records of the succeeding period, one might think there were skeletons in its mahogany wardrobes. Mrs. White, aided by her husband's vivid memory, has recreated the town with all its charm and quaintness; unique in some ways, not unlike Mrs. Gaskell's Cranford in others. To be sure, as a memoir the history can not go beyond the authors' recollections except through research or hearsay. Research she has left to others. This is an informal telling of the tale by remarkably accurate narrators, but largely of the years between 1890 and 1940.

Annapolis in transition with its dislike of change and its re-emergence as a place of importance in World War II is here depicted. The pleasant, easy-going life of a small Southern town will bring back nostalgic memories even to those who have not had the advantages of living at the gate of the great United States Naval Academy or enjoyed "fraish feesh" from the sea around them. The little specialty shops, the doctors'

buggies, the steam trains, the volunteer fireman, the ice man, the simple pleasures of picnics and boat clubs when boats were canoes and not yachts, carry us back to an almost forgotten era. The tone is chatty and without rancor or regret except when the big bad wolf in the shape of Federal encroachment or timid politicians arouse the women to action. And do not underestimate the power of the non-voting Victorian lady!

Mrs. White has brought back to this reviewer the smell of the old grocery stores and of Spring rains on cedar shingles, the glow of Latrobe stoves, the fascination of the change-car that ran around Ridout's store on a cable, of old gentlemen in long, black cloaks, of the cry of the soft-crab vendor and of the lap of tide water on the seawall. The book will have the same effect on any old Annapolitan.

Told by a modern grandmother without pretence to style or pontification, it records and admires the past but holds forth to her grandchildren the hope for a better and less anxious world. Social history is always important, and Mrs. White has done a service in so faithfully recording "the years between."

The pen and ink drawings of Mrs. Orlando Ridout, IV, are a pleasant addition to the book.

ROSAMOND RANDALL BEIRNE

*William Penn: A Biography.* By CATHERINE OWENS PEARE. Philadelphia & New York: J. B. Lippincott Co., 1957. 448 pp. \$6.

William Penn, born October 14, 1644, died July 30, 1718. The popular view of Penn with his high crowned, broad brimmed hat seated majestically in the Pennsylvania countryside in council with the Indians, gives a picture of ease and tranquillity utterly foreign to the hard and disappointing life which was his lot.

Penn made only two voyages to America; on his first voyage he arrived at New Castle (now Delaware) in October, 1682, and was back in England in October, 1684. His second voyage brought him to New Castle in December, 1699, and by December, 1701, he was again in England.

Pennsylvania did afford a refuge, as Penn had hoped, for Quakers and other dissenters, both from persecution in England and in some of the American Colonies. It became, too, a most successful place for trade and business. Yet, Penn's Colony was, on the whole, a distinct disappointment to him.

In England in 1705, at a time when he was disappointed by the actions of his son, William Penn Junior, he exclaimed "O, Pennsylvania, what hast thou cost me? Above thirty thousand pounds more than I ever got by it, two hazardous and most fatiguing voyages, my straits and slavery here, and my child's soul almost."

The real interest in the life of William Penn is his character as shown by his actions, especially in his willingness to give up a life of personal

ease and pleasure for one of hardship and danger, because of his religious convictions.

He went to school at Chigwell, then to Christ Church College at Oxford, matriculating as a Knight's son, and in his second year in March, 1662, he was expelled from Oxford for his non-conformity. He then returned to London to receive the beatings of his vigorous father, at one time a vice admiral of the Fleet. Going to France, he came under the influence at Samur of the distinguished Protestant theologian Amyraut. For a short time in 1665 he read law at Lincoln's Inn.

Later, he met the Quaker Thomas Loe in Ireland, his father having invited Loe to speak to his family. And still later, in 1666, at a Quaker meeting at Cork, he listened again to Loe, who spoke on the theme "There is a Faith that Overcometh the World." It was at that time that he experienced his "convincement," and from then on he was a devout Quaker.

From the time he became a Quaker almost until his death, he suffered from many beatings and imprisonments because of his beliefs and was in effect a martyr for the cause he espoused. The author lists ninety-three of his more important writings, including the second "No Cross no Crown" of 1682.

The Fords falsified the accounts dealing with Penn's indebtedness, and finally in November, 1707, actually obtained judgment against him in the Court of Common Pleas, for which he was arrested and imprisoned as a debtor in the Fleet. Afterwards, the judgment of 14,000 pounds was settled for 6,600 pounds, which was advanced and paid by Penn's friends. In 1711 and 1712, Penn suffered two successive strokes, and from then until his death in 1718 he was an invalid, cared for by others.

There were boundary disputes between William Penn and Lord Baltimore, not only concerning the true line between Pennsylvania and Maryland, but also with respect to the ownership of what is now the State of Delaware.

In 1700 William Penn and Lord and Lady Baltimore went from the home of William Richardson on West River (my ancestor) to Tred Haven (Talbot County) to attend a yearly meeting of the Quakers held there. At that time the boundary disputes between Penn and Baltimore referred to by the author did not affect the personal relationship between them.

The Pennsylvania Historical Society has among its possessions a letter dated in the year 1683 from one of the Richardson family to William Penn complaining about claims made by Lord Baltimore for taxes. This evidently had to do with a dispute concerning the present Delaware.

Penn has been criticized by Maryland writers for his actions in the settlement of the Maryland-Pennsylvania line. But this is a subject which itself would require a separate study. So, too, a separate study is needed for the theological views of William Penn as contrasted with the particular theological views of his opponents and with the theological views current in his time.

The author has a pleasant narrative style and appears to be well posted even in such a field as law.

Penn's trial where the Judges tried to force a conviction by the jury is an excellent example of the growth of English law and the jury's final and stubborn verdict of "Not Guilty" is a story every lawyer should read to fix in his mind again the great value of trial by jury.

WALTER H. BUCK

*The Lord's Oysters.* By GILBERT BYRON. Boston: Little, Brown and Company, 1957. x, 330 pp. \$4.50.

In the above work the author, by using a fictional youth, Noah, as his medium, describes the growth and progress of a youth from childhood through his mid-teens, adroitly blending in him characteristics of other youths known to the author personally or through folklore.

Noah comes into being in a river-front county seat on the Eastern Shore of Maryland. Though the name of the town is undisclosed, references to "High Street," the river bridge with its draw, the "Voshell House," and a trip to Baltimore on the Steamer *B. S. Ford* patently place its locale to an Eastern Sho' man, and no doubt to "furriners," "newcomers" to the Sho', its site is of little moment.

Noah's father, George, is an oyster tonger, one of the group of hardy sons of the Sho' that have made such a substantial contribution to its way of life and its development. George earned a sporadic livelihood from tonging, generally in season, and crabbing during the months without the letter "r," though sein nets were also on his annual agenda. His inherent philosophy—an individualist with complete freedom from fear and care-less ease from worry—is rather typical of the waterman in the Tidewater Country. A counter-balancing influence is Noah's mother—a devoted wife, a frugal and capable housekeeper, singularly and realistically tolerant of her tonging husband, and deeply attached to Noah.

The era chosen relates to the early years of the present century, days when old "Dobbin," hitched to a runabout and headed homeward, if given the rein, would arrive safely. Through Noah telling the story of his own life, interwoven as it is, in dialogue form, with that of his father, his mother, his teachers, his neighbors and his companions, the author captures the spirit of the era in the group chosen for the story of Noah, not only through the events described, portraying as they do the old saying that "Boys will be boys," but also through the adept application of many by-words and adages then in vogue.

A work of genuine human interest, written by an author, who spent a "long childhood on Maryland's Eastern Shore," *The Lord's Oyster's* had a strong appeal to the writer of this review—a native Eastern Shoreman—who enjoyed several delightful evenings in a return home, so to speak.

EDWARD D. MARTIN

*Travels in the Old South: A Bibliography.* Edited by THOMAS D. CLARK. Norman: University of Oklahoma Press, 1956. 2 vols. \$20.

The pen of the traveler takes its place alongside the brush of the artist in bringing out the customs, manners, activity and appearance of a country in detail. This distinguished bibliography places in the hands of the historian, biographer or novelist a convenient guide to the available accounts of travelers in America between 1527 and 1825. The chapters are topical and regional, prepared by authorities in the area concerned: "Spanish Travel in the South, 1527-1750," by A. B. Thomas, "The Southern Colonies, 1600-1750," by Hugh T. Lefler, "The South During Two Wars, 1750-1783," by Lester J. Cappon, "The Ohio Valley Frontier, 1750-1825," by John D. Barnhart, "The Post Revolutionary War South, 1783-1805," by William B. Hamilton, "The Lower Southern Frontier, 1806-1815," by Walter B. Posey, "The South in Expansion, 1816-1825," by Culver H. Smith. The bibliographical entries have been carefully prepared but the feature which makes them of special value to the researcher is the summary of the contents of each work and biographical data on its author. This study is a review of travel literature on America as well as a bibliography and makes good reading. For browsing, the work contains a mine of interesting aspects of American life.

*History of the Hibernian Society of Baltimore, 1803-1957.* By HAROLD A. WILLIAMS. Baltimore: Hibernian Society of Baltimore, 1957. 57 pp.

Founded in 1803 to assist emigrants arriving from Ireland, this benevolent Society of Hibernians has played an important role in Baltimore life ever since. The author, veteran newsman and authority on Baltimore history that he is, presents the story deftly and interestingly, and the saga of the Irish people of Baltimore moves through his story of the society. Good typography and illustrations enhance the story.

*Guide to Baltimore and Annapolis.* By A. AUBREY BODINE and HAROLD A. WILLIAMS. Baltimore: Bodine and Associates, Inc., 1957. 96 pp. Paper \$1. Library Edition \$2.25.

An up-to-date guide book to Baltimore and Annapolis has been needed very much in recent years. This guide book is a lavish fulfillment of that need. Each brilliant picture by Bodine, one of the nation's leading photographers, captures with fine artistry the interesting and beautiful sights of these Maryland cities. The text by Williams presents a crisp thumb-nail summary of history and facts about the things to see and a digest of useful information for visitors. This is the most attractive guide book ever published for Baltimore and Annapolis.

*Century of Baltimore Architecture. An Illustrated Guide to Buildings Designed by the Members of the Baltimore Chapter, A. I. A., including An Index to Baltimore Architecture.* By WILBUR H. HUNTER, JR., and CHARLES H. ELAM. Introduction by ELEANOR PATTERSON SPENCER. Baltimore: The Peale Museum, 1957. 48 pp. \$1.

Covering the period from 1857 to about 1940, this booklet supplements *The Architecture of Baltimore: A Pictorial History* by Richard H. Howland and Eleanor P. Spencer (1953) with much new information on Baltimore buildings and their architects. The pictures are reproduced with remarkable clarity and sharpness. The four page Index to *Baltimore Architecture* surveys the entire history of Baltimore architecture from the earliest times, giving street addresses, dates and architects.

*Chesapeake Memories: Poems.* By GEORGE SCHAUN. Annapolis: Greenberry Publications (101 Monticello Ave.), 1957.

Several of the poems in this collection have appeared previously in *The Lyric* and *The Lantern*. The poems are mostly on Maryland subjects or were inspired by Maryland scenes. Mr. Schaun is president of Greenberry Publications, a firm which is specializing in the local Maryland scene.

## NOTES AND QUERIES

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*Daniel-Pleasants*—I would like to know of any letters to or from John Moncure Daniel (1825-65), editor of the *Richmond Examiner*, and John Hampden Pleasants (1797-1846) editor of the *Richmond Whig*. Daniel was a native of Stafford County and did not marry. Pleasants was a native of Goochland County and married, first, Ann Irving, and, second, Mary Massie.

CURTIS CARROLL DAVIS,  
A-2, Homewood Apts., Baltimore 18, Md.

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*Gerard-Matthews*—Information is wanted on the family of Hannah Gerard who married Capt. Robert Ellyson of Maryland and Virginia (member of House of Burgesses, 1656-1663)—also, the parents of Elizabeth Matthews of Virginia who married John Ellyson, grandson of Capt. Robert Ellyson.

MRS. W. W. BODDIE,  
540 Circle Way, Lake Jackson, Texas.

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*McMachen*—Proof is wanted of the parentage of Samuel McMecken (McMachen), born in 1788, married in 1817, and died at Baltimore in 1830.

MISS HELEN B. McMACHEN,  
2219 Jules Street, St. Joseph, Mo.

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*Brent*—Giles Brent and his sisters, Mary and Margaret, left Southern Maryland during the 1650's and settled in what later became old Stafford County, Virginia. It has been said that they took about twenty families with them. Will descendants of these families, or anyone who knows of such information, please contact me. I believe that the ancestors of Patrick Brown and Maria Heard who were married in Nelson County, Kentucky, in 1817 may be found among these twenty families.

MRS. EARL J. HUGGINS, JR.,  
The Pines, R. 1., Holts Summit, Mo.

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*Nordendorf-Ide*—In connection with my biography of Father Abram J. Ryan, poet-priest of the Confederacy, I need information on Professor Charles Chaky de Nordendorf and E. Louis Ide. Professor Nordendorf was on the faculty of Danville Female College, Danville, Va., at least from 1863 to 1866, and set to music Father Ryan's poem "The Sword of Robert Lee" in 1866. This poem was also set to music by Ide in 1867.

EDWARD A. EGAN,  
7626 South Colfax Avenue, Chicago 49, Ill.

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*Portraits of Mountjoy Bayly and Edward Dyer*—Likenesses of all former Sergeants at Arms of the United States Senate are being sought by the office of Joseph C. Duke, Sergeant at Arms, United States Senate, for the purpose of making suitable pictures to be hung in Sergeant at Arms office in the Capitol Building. Bayly was Sergeant at Arms from November 5, 1811, to December 9, 1833, and Dyer served from June 8, 1841, to December 9, 1845. Both were residents of Maryland. The Sergeant at Arms was the first elected officer of the Senate and there have been only twenty-one holders of this office since the first Congress.

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*Dolly Madison*—The University of Chicago and the University of Virginia are sponsoring the publication of a new and complete edition of the papers of James Madison. The editors will appreciate information about the location of letters by or to James Madison or his wife, especially letters in private possession or among uncalendared manuscripts in the collections of public or private institutions. Please address *The Papers of James Madison*, 1126 East 59th Street, Chicago 37, Illinois.

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*Loubat Prizes*—These prizes, established in 1892 through the generosity of Joseph F. Loubat, are awarded in recognition of the best works printed and published in the English language on the History, Geography, Archaeology, Ethnology, Philology, or Numismatics of North America. The two awards, of the value of \$1,200 and \$600, are made by Columbia University at the close of every quinquennial period. To be considered for the 1958 award, books must be published before the first of that year. The announcement of the awards will be made in the spring of 1958. Communications in regard to the Loubat Prizes and works submitted in competition should be sent to the Secretary of Columbia University, New York 27, by January 1, 1958.

## CONTRIBUTORS

ERICH ISAAC served in the Israeli Army in the geographic research branch. In 1954 he entered the Isaiah Bowman School of Geography at the Johns Hopkins University and received his doctorate this year. His dissertation was on *The First Century of the Settlement of Kent Island*.

HENRY BERTRAM HILL is Chairman of the Department of History at the University of Wisconsin. His field of specialization is the constitutional history of France. LARRY GARA is Associate Professor of History at Eureka College, Illinois. He is author of a biography on Cyrus Woodman and specializes in nineteenth century American history. Professors Hill and Gara have divided the diaries of Henri Herz into sections corresponding to regions visited, which they are publishing in the journals most likely to be interested in the particular localities visited by Herz.

ALEXANDER ARMSTRONG (1877-1939), in addition to being Attorney-General of Maryland from 1920 to 1923, was Republican candidate opposing Governor Ritchie in 1924, and he was active in the American Bar Association, civic and social organizations, and was a director of several leading Maryland business concerns. Chief Judge EMORY H. NILES of the Supreme Bench of Baltimore, an eminent Maryland jurist himself, has long been an admirer of Judge Alvey, and he was a friend of the late Mr. Armstrong.

ARTHUR HECHT of the National Archives has been working with postal records since 1948. He has compiled post office histories and has undertaken extensive research in post office operations.

JOHN M. HEMPHILL II, a Research Associate at Colonial Williamsburg, is currently working on the economic development of Virginia in the eighteenth century.